



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

new



The Law School

New York Collection

L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
ONE HUNDRED AND EIGHTEENTH SESSION
OF THE
LEGISLATURE,

BEGUN JANUARY SECOND, 1895, AND ENDED MAY SIXTEENTH,
1895, IN THE CITY OF ALBANY.

VOL. II—PART I.
STATE LIBRARY



ALBANY:
JAMES B. LYON, PRINTER.
1895.

L 417

AUG 2 1929

VIRGIL GROMATZ

CERTIFICATE.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF NEW YORK,
ALBANY, *July 1, 1895.*

Pursuant to the directions of chapter 682, Laws of 1892, entitled "The Legislative Law," I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOHN PALMER,
Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, three-fifths of all the members elected to either House thereof being present, pursuant to section 15 of article 3 of the Constitution of this State, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the Legislature, pursuant to section 15 of article 3 of the Constitution of this State, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the Legislature, pursuant to section 9 of article 1 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See "the Legislative Law," chapter 682, Laws of 1892, as amended by chapter 53, Laws of 1894.]

LIST OF OFFICERS.

§ 42. Contents of published volumes of session laws.—The Secretary of State shall annually cause to be printed and bound a statement of the names and residences of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office during each session to be printed and bound. * * * — *Laws of 1893, Chap. 633, Sec. 46.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

LEVI P. MORTON*ALBANY, ALBANY COUNTY.

LIEUTENANT-GOVERNOR.

CHARLES T. SAXTON.....CLYDE, WAYNE COUNTY.

SENATORS.

Dist.	NAME.	County.	Address.
1...	John Lewis Childs.....	Queens.....	Floral Park.
2 ..	Michael J. Coffey	Kings.....	Brooklyn.
3....	William H. Reynolds.....	Kings.....	Brooklyn.
4....	George A. Owens.....	Kings.....	Brooklyn.
5....	Daniel Bradley	Kings.....	Brooklyn.
6....	Henry Wolfert.....	Kings.....	Brooklyn.
7....	Martin T. McMahon.....	New York.....	New York city.
8 ..	John F. Ahearn.....	New York.....	New York city.
9....	Timothy D. Sullivan.....	New York.....	New York city.
10...	Frank A. O'Donnel.....	New York.....	New York city.
11...	Joseph C. Wolff.....	New York.....	New York city.
12...	Thomas C. O'Sullivan.....	New York.....	New York city.
13...	Charles L. Guy.....	New York.....	New York city.
14....	Jacob A. Cantor.....	New York.....	New York city.
15...	George W. Robertson.....	Westchester.....	Peekskill.
16...	Clarence Lexow.....	Rockland.....	Nyack.
17...	Jacob Rice.....	Ulster.....	Rondout.
18 ..	Michael F. Collins.....	Rensselaer.....	Troy.
19...	Amasa J. Parker.....	Albany.....	Albany.
20...	Harvey J. Donaldson.....	Saratoga.....	Ballston Spa.
21...	Frederick D. Kilburn.....	Franklin.....	Malone.
22...	Joseph Mullin.....	Jefferson.....	Watertown.
23...	Henry J. Coggeshall.....	Oneida.....	Waterville.
24....	Charles W. Stapleton.....	Madison.....	Morrisville.
25...	Edmund O'Connor.....	Broome.....	Binghamton.
26...	John Raines.....	Wayne.....	Canandaigua.
27...	Baxter T. Smelzer.....	Schuyler.....	Havana.
28...	Cornelius R. Parsons.....	Monroe.....	Rochester.
29...	Cuthbert W. Pound.....	Niagara.....	Lockport.
30...	Charles Lamy.....	Erie.....	Buffalo.
31...	Henry H. Persons.....	Erie.....	East Aurora.
32 ..	Frank W. Higgins.....	Cattaraugus.....	Olean.

* Official resid-nce.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY.

Dist.	NAME.	County.	Address.
1....	Frank Bloomingdale.....	Albany.....	Voorheesville.
2....	James Keenholts.....	Albany.....	Altamont.
3....	Jacob L. Ten Eyck.....	Albany.....	Albany.
4....	Amos J. Ablett.....	Albany.....	Cohoes.
1....	Fred A. Robbins.....	Allegany.....	Angelica.
	Joseph H. Brownell.....	Broome.....	Windsor.
	Charles W. Terry.....	Cattaraugus.....	Randolph.
	Benjamin M. Wilcox.....	Cayuga.....	Auburn.
	S. Frederick Nixon.....	Chautauqua.....	Westfield.
	John B. Stanchfield.....	Chemung.....	Elmira.
	David Sherwood.....	Chenango.....	Greene.
	Willis T. Honsinger.....	Clinton.....	West Chazy.
	Aaron B. Gardenier.....	Columbia.....	Chatham.
	Wilber Holmes.....	Cortland.....	Cincinnatus.
	Robert Cartwright.....	Delaware.....	Sidney.
1....	Edward H. Thompson.....	Dutchess.....	Millerton.
2....	Augustus B. Gray.....	Dutchess.....	Poughkeepsie.
1....	Cornelius Coughlin.....	Erie.....	Buffalo.
2....	Simon Seibert.....	Erie.....	Buffalo.
3....	Charles Braun.....	Erie.....	Buffalo.
4....	Joseph L. Whittet.....	Erie.....	Buffalo.
5....	Philip Gerst.....	Erie.....	Buffalo.
6....	Charles F. Schoepflin.....	Erie.....	West Seneca.
	Albert Weed.....	Essex.....	Ticonderoga.
	Thomas A. Sears.....	Franklin.....	Bombay.
	Philip Keck.....	Fulton and Hamilton.	Johnstown.
	Thomas B. Tuttle.....	Genesee.....	Le Roy.
	Daniel Geroe Greene.....	Greene.....	Coxsackie.
	E. La Grange Smith.....	Herkimer.....	Frankfort.
	Harrison Fuller.....	Jefferson.....	Adams Centre.
1....	Thomas B. Wagstaff.....	Kings.....	Brooklyn.
2....	John A. Hennessy.....	Kings.....	Brooklyn.
3....	John F. Houghton.....	Kings.....	Brooklyn.
4....	Frank Gallagher.....	Kings.....	Brooklyn.
5....	John H. Read.....	Kings.....	Brooklyn.
6....	Edward M. Clarkson.....	Kings.....	Brooklyn.
7....	George W. Brush.....	Kings.....	Brooklyn.
8....	John J. Cain.....	Kings.....	Brooklyn.
9....	Thomas H. Rockwell.....	Kings.....	Brooklyn.
10....	Frank F. Schulz.....	Kings.....	Brooklyn.
11....	Harry Schulz.....	Kings.....	Brooklyn.
12....	John H. Campbell.....	Kings.....	Brooklyn.
13....	Arthur J. Audett.....	Kings.....	Brooklyn.
14....	Henry E. Abell.....	Kings.....	Brooklyn.
15....	Albert A. Wray.....	Kings.....	Brooklyn.
16....	William H. Friday.....	Kings.....	Brooklyn.
17....	James Scanlon.....	Kings.....	Brooklyn.
18....	Julius L. Wieman.....	Kings.....	Brooklyn.
	Melville W. Van Amber.....	Lewis.....	Castorland.
	Otto Kelsey.....	Livingston.....	Genesee.
	Lambert B. Kern.....	Madison.....	De Ruyter.
1....	Charles J. Smith.....	Monroe.....	Henrietta.
2....	James M. E. O'Grady.....	Monroe.....	Rochester.
3....	William W. Armstrong.....	Monroe.....	Rochester.
	E. Watson Gardiner.....	Montgomery.....	Amsterdam.
1....	Daniel E. Finn.....	New York.....	New York city.
2....	Thomas J. Barry.....	New York.....	New York city.
3....	Charles S. Adler.....	New York.....	New York city.
4....	James A. Donnelly.....	New York.....	New York city.
5....	Samuel J. Foley.....	New York.....	New York city.

LIST OF OFFICERS.

vii

MEMBERS OF ASSEMBLY — (Continued).

Dist.	NAME.	County.	Address.
6....	Benjamin Hoffman.....	New York.....	New York city.
7....	Henry W. Hoops, Jr.....	New York.....	New York city.
8....	Alfred R. Conkling.....	New York.....	New York city.
9....	John F. McDermott.....	New York.....	New York city.
10....	Jacob Kunzenman.....	New York.....	New York city.
11....	Frank D. Pavey.....	New York.....	New York city.
12....	Edward B. La Fetra.....	New York.....	New York city.
13....	William Halpin.....	New York.....	New York city.
14....	John P. Corrigan.....	New York.....	New York city.
15....	Seth Wilks.....	New York.....	New York city.
16....	Charles Steinberg.....	New York.....	New York city.
17....	Robert Miller.....	New York.....	New York city.
18....	Daniel J. Gleason.....	New York.....	New York city.
19....	Welton C. Percy.....	New York.....	New York city.
20....	John B. Fitzgerald.....	New York.....	New York city.
21....	Howard Payson Wilds.....	New York.....	New York city.
22....	Michael F. Tobin.....	New York.....	New York city.
23....	Judson Lawson.....	New York.....	New York city.
24....	Louis H. Bold.....	New York.....	New York city.
25....	George E. Morey.....	New York.....	New York city.
26....	Harvey T. Andrews.....	New York.....	New York city.
27....	Philip W. Reinhard, Jr.....	New York.....	New York city.
28....	George W. Hamilton.....	New York.....	New York city.
29....	Alonzo Bell.....	New York.....	New York city.
30....	William W. Niles, Jr.....	New York.....	New York city.
	John H. Clark.....	Niagara.....	Lockport.
1....	Henry P. Hoefler.....	Oneida.....	Utica.
2....	William Cary Sanger.....	Oneida.....	Sangerfield.
1....	Charles R. Rogers.....	Onondaga.....	Brewerton.
2....	Charles C. Cole.....	Onondaga.....	Jordan.
3....	Levi S. Chapman.....	Onondaga.....	Syracuse.
	Walter A. Clark.....	Ontario.....	Geneva.
1....	Louis F. Goodsell.....	Orange.....	Highland Falls.
2....	Joseph Dean.....	Orange.....	Goshen.
	George Bullard.....	Orleans.....	Albion.
	Danforth E. Ainsworth.....	Oswego.....	Sandy Creek.
	John J. Rider.....	Otsego.....	Schuyler Lake.
	Hamilton Fish.....	Putnam.....	Garrisons.
1....	John P. Madden.....	Queens.....	Long Island City.
2....	James S. Fairbrother.....	Queens.....	Newtown.
3....	Eugene F. Vacheron.....	Queens.....	Ozone Park.
1....	John T. Norton.....	Rensselaer.....	Troy.
2....	John M. Chambers.....	Rensselaer.....	Lansingburgh.
3....	John P. Cole.....	Rensselaer.....	Greenbush.
	Michael Conklin.....	Richmond.....	New Brighton.
	Otis H. Cutler.....	Rockland.....	Suffern.
	George R. Malby.....	St. Lawrence.....	Ogdensburg.
	Charles H. McNaughton.....	Saratoga.....	Schuylerville.
	Thomas W. Winne.....	Schenectady.....	Niskayuna.
	Henry J. Staley.....	Schoharie.....	Carlisle.
	George A. Snyder.....	Schuyler.....	Burdett.
	Harry M. Glen.....	Seneca.....	Seneca Falls.
1....	Willoughby W. Babcock.....	Steuben.....	Prattsburg.
2....	Merritt F. Smith.....	Steuben.....	Greenwood.
	Richard Higbie.....	Suffolk.....	Babylon.
	Henry Krenrich.....	Sullivan.....	Jeffersonville.
	Epenetus Howe.....	Tioga.....	Candor.
	Edwin C. Stewart.....	Tompkins.....	Ithaca.
1....	William S. Van Keuren.....	Ulster.....	Rondout.
2....	James Lounsbury.....	Ulster.....	Kerhonkson.
	Taylor J. Eldridge.....	Warren.....	North Creek.

LIST OF OFFICERS.

MEMBERS OF ASSEMBLY — (*Concluded*).

Dist.	NAME.	County.	Address.
	William D. Stevenson	Washington	North Argyle.
	George S. Horton	Wayne	Lyons.
1....	James Irving Burns	Westchester	Yonkers.
2....	John N. Stewart	Westchester	Williams Bridge.
3....	James W. Husted	Westchester	Peekskill.
	Reuben J. Tilton	Wyoming	Arcade.
	Everett Brown	Yates	Penn Yan.

SPEAKER OF THE ASSEMBLY.

Hon. Hamilton Fish..... Garrisons, N. Y.

CLERK OF THE ASSEMBLY.

Archie E. Baxter Elmira, N. Y.

L A W S
OF THE
STATE OF NEW YORK
EXCLUSIVE OF GENERAL.

VOLUME II—PART I.

PASSED AT THE ONE HUNDRED AND EIGHTEENTH REGULAR SESSION OF THE
LEGISLATURE, BEGUN THE SECOND DAY OF JANUARY, 1895, AND ENDED THE
SIXTEENTH DAY OF MAY, 1895, AT THE CITY OF ALBANY.

Chap. 3.

AN ACT to amend chapter five hundred and forty-one of the
laws of eighteen hundred and sixty-five, entitled "An act to
incorporate the city of Newburgh," and the several acts
amendatory thereof.

Accepted by the city.

BECAME a law February 1, 1895, with the approval of the Governor. Passed,
three-fifths being present.

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

Section 1. Section two of title two of chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Newburgh," and the several acts amendatory thereof, is hereby amended so as to read as follows:

§ 2. An election shall be held in each of the wards in said city on the first Tuesday succeeding the first Monday of November, after the passage of this act, and on the first Tuesday succeeding the first Monday of November in each year thereafter for the election of city and ward officers, and such other officers as may be prescribed by law.

§ 2. Section eight of title two of said act, is hereby amended so as to read as follows:

Commence-
ment of
terms.

Canvass by
council.

Certificate
of election.

Oath of
office.

Organiza-
tion of
council.

§ 8. All the city officers elected as hereinbefore provided, except justices of the peace and recorder, shall enter upon their respective offices on the first Tuesday of March, succeeding the annual election. On the Monday next following such election, the common council shall convene at their usual place of meeting, at nine o'clock in the forenoon, and the statement of votes filed with the city clerk by the inspectors of election shall be produced by the clerk. The common council shall forthwith ascertain, declare and certify, in the manner provided by law, who is elected to the office of mayor; and shall also in the same manner ascertain, declare and certify who are duly elected at the said election to the various offices hereinbefore named; such certificate shall be made in duplicate, one of which shall be filed with the city clerk, and the other with the clerk of Orange county, and the mayor and aldermen-elect shall thereupon take the oath of office prescribed by the constitution, and shall meet for organization on the first Tuesday of March following such election as provided by section one of title three of the charter of the city of Newburgh, as amended.

§ 3. Section fifteen of title two of said act is hereby amended so as to read as follows:

Vacancies
in elective
office.

Terms of
incum-
bents.

Vacancies
before elec-
tion in 1895.

§ 15. If a vacancy shall happen in any elective office, the same shall be filled by appointment, as hereinafter provided, until the next annual election, at which time the residue of the term of office, if there be any unexpired, of the officer whose office shall have become vacant, shall be filled by some person to be elected to such office for the residue of such term, according to the provisions of this act. All officers of the city of Newburgh heretofore elected or appointed, holding office at the time of the passage of this act, shall continue in their respective offices until the expiration of the term to which they were elected or appointed, unless removed therefrom in the manner provided by law. All offices which may become vacant by reason of the expiration of the term thereof, or otherwise, before the annual election on the first Tuesday after the first Monday of November in the year eighteen hundred and ninety-five, as hereinbefore provided, shall be filled by some person to be appointed by the mayor of the city of Newburgh, and the person or persons

so appointed shall hold their respective offices until the first Tuesday in March, in the year eighteen hundred and ninety-six. All persons elected at the annual election in November, in the year eighteen hundred and ninety-five, shall enter upon their respective offices on the first Tuesday in March, in the year eighteen hundred and ninety-six, and shall continue to hold and discharge the duties of such office or offices for the term of said office, or any unexpired part thereof, remaining after the expiration of the term of any person who may have been appointed to fill a vacancy therein, by the mayor of the city of Newburgh, as provided by law.

§ 4. All acts or parts of acts, inconsistent with or repugnant to this act, are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 4.

AN ACT to amend chapter two hundred and twenty-six of the laws of eighteen hundred and forty, entitled "An act for the incorporation of a cemetery association in the village of Lockport."

BECAME a law February 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter two hundred and twenty-six, of the laws of eighteen hundred and forty, entitled "An act for the incorporation of a cemetery association in the village of Lockport," is hereby amended so as to read as follows:

§ 3. The said corporation may, from time to time, acquire, take and hold a tract or tracts of land, not exceeding in the aggregate one hundred and fifty acres; which land, when acquired by said corporation, shall be used exclusively as a cemetery, a place for the burial of the dead; and for this purpose it shall, from time to time, in such parcels as the trustees may deem expedient and necessary, be surveyed and subdivided into lots or plats of convenient size; and a map or maps of said survey or surveys shall be filed in the clerk's office of Niagara county. When the said map or maps shall have been

Terms of
officers
elected in
1895.

Acquisition
of land.

Surveys
and maps.

Convey-
ance of
lots.

Proceeds
of sales.

Water
supply.

filed, the said trustees may sell and convey such plats or lots on such terms and at such prices as they shall agree on, which conveyances shall be made under the seal of said corporation, and signed by the president or secretary of the corporation, as may be ordered by said trustees; but all moneys obtained for such sales shall be applied by said trustees to the payment of the purchase money of the land acquired by said corporation, and to improving and embellishing said land as a cemetery; except that said trustees may, in addition to the lands so acquired or to be acquired as aforesaid, acquire, take and hold such other lands or easements in lands, as may be necessary in and about the procuring of a supply of water for and in said cemetery, and may for that purpose erect, build and construct any and all buildings, reservoirs, pipes, ditches, conduits, pumps, engines, windmills, or other machinery, fixtures or apparatus, as may be necessary in and about the procuring, delivering, furnishing and distributing a proper supply of water for, to, in and upon the lands acquired or to be acquired by said corporation.

§ 2. This act shall take effect immediately.

Chap. 6.

AN ACT to amend chapter two hundred and twenty-two of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the town of Amity, in the county of Allegany, to purchase a public cemetery."

BECAME a law February 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Chapter two hundred and twenty-two of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the town of Amity, in the county of Allegany, to purchase a public cemetery," is hereby amended by adding a new section, to be known as section five thereof, which shall read as follows:

Acquisition
of addi-
tional
lands.

§ 5. The town board aforesaid are also authorized to purchase other lands for the purpose of a cemetery, not exceeding thirty acres, in addition to the lands authorized by the first section of this act to be purchased, and adjoining the same, and to accept

a deed of conveyance of said lands to said town; and in case they shall be unable to agree with the owner or owners of said lands for the purchase thereof, to acquire said lands by condemnation. On acquiring said lands said town board are authorized to fence, lay out, repair, regulate and improve the same, and the necessary expense of acquiring said lands and of fencing, laying out, and improving the same shall be a charge against said town of Amity, and shall be audited, assessed and collected at the same time and in the same manner as other town expenses. The provisions of the preceding sections of this act shall apply to the lands acquired under the provisions of this section. Provisions applicable.

§ 2. This act shall take effect immediately.

Chap. 7.

AN ACT relating to and legalizing the appointment and acts of the board of water commissioners of the village of Forestville.

BECAME a law February 2, 1895, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The appointment of William H. Parsons, John C. Hutchinson, Arthur Whatford, Willard R. Johnson and Sylvester W. Reynolds, as a board of water commissioners of the village of Forestville, in the county of Chautauqua, on the twenty-first day of April, eighteen hundred and ninety-four, by the board of president and trustees of said village of Forestville, is hereby confirmed and legalized; and the said board of water commissioners is hereby declared to be duly and legally appointed and constituted, and their acts as such board of water commissioners, otherwise pursuant to law, are hereby in all things legalized and confirmed with the same force and effect as if such board of water commissioners had been duly and regularly appointed; and the said board of water commissioners and their successors in office are hereby declared to have and possess all the rights, privileges and powers of a duly and legally constituted board of water commissioners under the laws of this state. Appointments and acts legalized. Rights and privileges.

§ 2. This act shall take effect immediately.

Chap. 8.

AN ACT for the relief of the city of Rome, and to authorize said city to borrow money to meet its liabilities, and until it can collect its moneys and funds on deposit in an insolvent bank.

Accepted by the city.

BECAME a law February 5, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City may
borrow
money.

Section 1. The city of Rome is hereby authorized and empowered to borrow money upon the credit of the city, in a sum not exceeding fifty-three thousand four hundred dollars, (being the amount of the funds to the credit of said city in the insolvent Central National Bank of Rome), for the purpose of enabling said city to meet its liabilities and necessities, until it can recover its deposits in said insolvent bank. The common council of said city may issue the bonds of said city therefor, from time to time, and at such periods and of such denomination, as said council may determine, not exceeding in all the amount aforesaid, as the necessities of said city shall require. Said bonds shall be chargeable upon all the taxable property of said city, shall be signed by the mayor and countersigned by the city chamberlain, and sealed with the seal of said city; they shall bear interest at such rate as the common council may determine, not exceeding four per cent. per annum, and shall all mature on or prior to January first, eighteen hundred and ninety-seven, and be sold at not less than par, and the proceeds thereof shall be used for the purposes aforesaid and no other.

Issue of
bonds.

Payment of
bonds and
interest.

§ 2. The chamberlain of said city shall collect and safely keep in a separate fund, any and all moneys hereafter received by said city by way of dividends, collections, recoveries or otherwise, from the Central National Bank of Rome (an insolvent bank, in the hands of a receiver), or from the receiver thereof, or from the comptroller of currency or other officer, agent or department, having the affairs of said bank in charge, upon or on account of any moneys or deposits standing to the credit of said city, or to the credit of any of the funds or departments thereof, upon the books of said insolvent bank, for the purpose of paying and retiring

said bonds hereby authorized to be issued; and the chamberlain of said city, upon the order of the common council of said city shall, with the moneys so collected as aforesaid, pay the interest accruing on said bonds, and at the maturity thereof shall, upon like order, pay and retire said bonds out of said fund.

§ 3. If the dividends or moneys so collected or received by said city, prior to the second Tuesday in March, eighteen hundred and ninety-six, upon or on account of said deposits of said city fund in said insolvent bank, be insufficient to pay and retire in full the bonds hereby authorized to be issued, including the interest thereon, then the common council of said city for the year eighteen hundred and ninety-six, is hereby authorized and required to raise by tax for that year, in addition to all other sums now authorized by law, whatever sum may be necessary to make up such deficiency; and shall apply the sum so raised by such tax to the payment of said bonds and the interest thereon; and all said bonds shall be paid, canceled and retired on or before January first, eighteen hundred and ninety-seven.

Tax for deficiency.

§ 4. Any dividends collected or received upon said deposits in said insolvent bank, after the second Tuesday in March, eighteen hundred and ninety-six, shall be turned into the treasury of the city of Rome and credited by the chamberlain of said city to the fund or department upon which such dividend was made.

Application of dividends, etc., after period named.

§ 5. This act shall take effect immediately.

Chap. 11.

AN ACT to authorize the mayor of the city of New York to make removals from public office in certain cases.

Accepted by the city.

BECAME a law February 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. At any time within six months after the commencement of his term of office, the mayor of the city of New York, elected for a full term, may, at pleasure, remove from office any public officer now or hereafter holding office by appointment

Removal of officers within six months.

from the mayor of said city, except judicial officers for whose removal other provision is made by the constitution.

Removals
after
period.

§ 2. After the expiration of the said period of six months any such public officer may be removed from office in the manner heretofore provided by law.

Repeal.

§ 3. All acts or parts of acts inconsistent with this act, are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 12.

AN ACT to legalize, ratify and confirm the action and vote of the electors of the city of Mount Vernon in the State of New York and the action and proceedings of the board of education of said city in respect to the issuing and sale of bonds under section two hundred and twenty-nine (K) of chapter ten, of the laws of eighteen hundred and ninety-four, for the construction of school buildings, et cetera, in said city.

Accepted by the city.

BECAME a law February 14, 1895, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Vote of
electors
legalized.

Section 1. The vote of the electors of the city of Mount Vernon, in the state of New York, cast at the general city election held in and for said city on the fifteenth day of May, eighteen hundred and ninety-four, in respect and reference to the raising of the sum of fifty thousand dollars for the improvement of certain school sites in said city, as provided by section two hundred and twenty-nine (K) of chapter ten of the laws of eighteen hundred and ninety-four, and the proceedings of the officers of said city and the board of education of said city had and taken prior to providing for the voting of the electors upon the question of such appropriations, and the notice of such election and the issuance of bonds by said board of education pursuant to the vote thereon at such election, so far as it related to such appropriations are in all respects hereby legalized, ratified and confirmed and shall for all purposes whatsoever be held and deemed as legal and valid as though such action and proceedings, elec-

Prior pro-
ceedings.

tion and notice had in all respects been in form and had been done, made and taken as provided by said section two hundred and twenty-nine (K) of chapter ten of the laws of eighteen hundred and ninety-four, and as though the resolution of said board of education and the notice required by said section two hundred and twenty-nine (K) of chapter ten of the laws of eighteen hundred and ninety-four had been duly incorporated in the notice of such election and published therewith as required by said act.

§ 2. The issue of bonds to the extent of forty-five thousand dollars by the board of education of said city, pursuant to the vote cast at said election, and the sale thereof and all proceedings had and taken in the said issuing and sale thereof are in all respects legalized, ratified and confirmed and said bonds shall become and be a valid legal obligation of said city of Mount Vernon, to be paid in the manner prescribed by law for the payment of such indebtedness. Issue and sale of bonds legalized.

§ 3. This act shall take effect immediately.

Chap. 16.

AN ACT to validate and confirm the proceedings of the board of supervisors of the county of Monroe in reference to the issuing of three hundred thousand dollars of bonds for the building of the new court house in said county.

BECAME a LAW February 14, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. The proceedings of the board of supervisors of the county of Monroe, had at a special session of said board in the month of June, eighteen hundred and ninety-four, and at its annual session commencing in the month of November, in the same year, in relation to the borrowing by said county of the sum of three hundred thousand dollars and the issuing of its bonds to secure the payment thereof, are hereby validated, ratified and confirmed, and the bonds to be issued in pursuance thereof are to be deemed in all respects as valid and effectual to bind the said county for the payment thereof as though all the provisions of Proceedings of board legalized. Bonds deemed valid

the county law, chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, had been in all respects literally complied with.

§ 2. This act shall take effect immediately.

Chap. 20.

AN ACT to provide for the payment of the floating and unsecured indebtedness of the city of Gloversville, to authorize the issuing of the bonds of the said city therefor and the levying of a tax to pay the same.

Accepted by the city.

BECAME a law February 15, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Ascertain-
ment of
claims.

Section 1. The common council of the city of Gloversville is hereby directed to ascertain the amount of all legal and valid claims against the city of Gloversville unprovided for by tax which constitute the floating and unsecured indebtedness of said city; and for the purpose of paying the same the common council of said city is hereby authorized and empowered to issue bonds in an amount not exceeding twenty-three thousand dollars, in the name and upon the credit of said city; said bonds shall be in such denominations, of such series, running for such periods, payable at such time or times, and in the manner, as the said common council may direct. They shall bear interest, payable annually, at a rate not exceeding five per centum per annum. They shall be signed by the mayor, attested by the clerk, sealed with the seal of the city and countersigned by a majority of the common council then in office. They shall show upon their face that they are issued under the provisions of this act and a record of all such bonds issued shall be kept by both the city clerk and the chamberlain of said city. The chamberlain of said city shall advertise and sell said bonds under the directions of the common council, but at not less than the par value thereof. The proceeds of said bonds shall be kept by the chamberlain of said city as a separate fund to be used and applied to the payment of said floating indebtedness, and for no other purpose.

Issue of
bonds.

Sale and
application
of pro-
ceeds.

§ 2. The common council of the city of Gloversville is hereby authorized and empowered to levy and collect on the taxable property of said city in each year, in addition to any other tax authorized by the charter of said city, in the same manner and at the same time a general city tax is now levied and collected, the money necessary to pay the principal and interest upon said bonds as the same shall become due and payable, until the said bonds and the interest thereon are fully paid. The sums so raised for said purpose annually shall be set apart and kept and applied by the chamberlain to the payment of the amount of the said bonds and interest when due, and for no other purpose.

Tax for
payment of
bonds and
interest.

§ 3. This act shall take effect immediately.

Chap. 21.

AN ACT to amend chapter fifty-five of the laws of eighteen hundred and ninety, entitled "An act to incorporate the city of Gloversville."

Accepted by the city.

BECAME a law February 15, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of title two of chapter fifty-five of the laws of eighteen hundred and ninety, is hereby amended to read as follows:

Charter
amended.

§ 2. Except as otherwise provided by this act the terms of office of the mayor, chamberlain, commissioner of charities, recorder and supervisors shall be two years, of the aldermen, members of the board of education and assessors shall be three years, of the water commissioners and justices of the peace four years, of constable one year. All elective officers shall hold office until their successors are duly elected, qualify and enter upon the discharge of their duties. The annual city election for the year eighteen hundred and ninety-five shall not be held until the first Tuesday after the first Monday of November of that year, at which time successors shall be elected to all officers whose terms of office expire in that year; and at the same time successors shall be elected to the present mayor, chamberlain, recorder, commis-

Terms of
city and
ward
officers.

Election in
1895.

sloner of charities and supervisors of said city whose term of office shall terminate on the thirty-first day of December, eighteen hundred and ninety-five.

§ 2. Section seven of title two of said act, is hereby amended to read as follows:

Election
notices.

§ 7. Public notice of every election under this act, except as hereinafter expressly provided, shall be given by the mayor and common council by notice to be published in the official newspapers of the said city, at least once in each week for two consecutive weeks immediately preceding the holding of such election, which notice shall be signed by the mayor and clerk and designate the officers to be voted for at such election and the location of each polling place. The annual election of city officers under this act shall be held on the first Tuesday after the first Monday of November of each year, and the common council shall annually provide polling places, ballot-boxes, and other necessary apparatus and material in each election district in said city for all elections in said city, and the manner of conducting such elections shall, in all respects, conform to and be governed by the general laws of this state in respect to elections, not inconsistent with this act.

Annual
city elec-
tion.

§ 3. Section nine of title two of said act, is hereby amended to read as follows:

Elections,
how held
and con-
ducted.

§ 9. Every city election shall be opened and closed and kept open in each district as provided by the general laws of the state for general elections, and the inspectors shall canvass all votes cast for city officers and declare and make a statement of the result in the same manner as required by the general laws of the state, and file the same immediately with the city clerk, except as otherwise provided in this act. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly, shall be there and then entitled to vote for all officers to be elected by the city at large, and for all ward officers to be elected in his ward, or district officers in his election district. Every such inhabitant of either the first and second wards of said city shall be entitled to vote in his district for supervisor for said wards, and every such inhabitant of either the third and fifth wards of said city shall also be entitled to vote in his district for supervisor for said wards, and every such inhabitant of the fourth and sixth wards of said city shall be

Qualifica-
tions of
voters.

entitled to vote in his district for supervisor for said wards. No elector in said city shall vote in any district except that in which he shall reside at the time he offers his vote, and shall have so resided for, at least, thirty days immediately prior to the election at which he offers his vote.

§ 4. Section ten of title two of said act, is hereby amended to read as follows:

§ 10. On the Monday following the annual city elections, the common council shall convene at ten o'clock in the forenoon at their usual place of meeting and the statements of the votes of all the election districts so filed with the city clerk, shall be produced by said clerk. The common council shall then forthwith duly declare and make a certificate in writing of all those who were duly elected at said election to the various offices voted for at said election. Such certificates shall be in duplicate, one of which shall be filed with the city clerk and the other in the clerk's office of the county of Fulton. The mayor and the aldermen who may be so declared elected shall, before assuming the duties of his office, take the oath of office prescribed by the constitution. The common council, composed of the mayor and aldermen thus declared elected, and those whose offices have not expired, shall organize and take office on the first day of January following the election at ten o'clock in the forenoon of that day. Whereupon the common council, as constituted for the preceding year, shall be dissolved.

Canvass of
votes by
council.

Certificates
of election.

Organiza-
tion of
council.

§ 5. Section eleven of title two of said act is hereby amended to read as follows:

§ 11. The city clerk, within twenty-four hours after the certificate mentioned in the last preceding section shall have been filed with him, shall notify in writing, either personally or by mail, every person so certified to have been elected of his election or appointment. Every person so elected or appointed to office under this act, shall, before performing any of his duties, take the oath of office prescribed by the constitution of the state and give the securities which may be by this act required of such officer. All such oaths shall be filed with the city clerk, except as may be by law or by this act otherwise provided. If any person shall not within thirty days after being so notified of his election or appointment take and file such oath of office and give the securities required of him by the provisions of this act, or lawfully

Notice to
persons
elected.

Oaths of
office.

Office,
when to be
deemed
vacant.

Forfeiture
for refusal
to serve.

Appoint-
ments by
council.

Commence-
ment of
terms, etc

Mayor and
aldermen,
no compen-
sation to.

required of him by the common council, the common council may treat such omission as a refusal to serve and declare vacant the office to which he was elected or appointed, in which case it shall forthwith fill the vacancy by appointment; and any person so neglecting or refusing to serve, after being elected to office by the electors of the city or of his ward, shall forfeit to the use of the city for such refusal the sum of twenty-five dollars, besides all damages and costs which may result from such refusal to be recovered in a civil action, by and in the name of said city. At its first regular meeting after organizing under this act, and after each succeeding annual organization, the common council shall fill by appointment, until the next election, any office not filled by the preceding election by reason of a tie thereat. It shall at the same time, or at a subsequent meeting, as soon thereafter as may be, appoint the officers by it to be chosen under this act, and make and file with the city clerk a certificate of every appointment so made, and the clerk shall notify each person so certified to have been appointed of his appointment, in the manner and within the time specified in this section for notifying persons elected to office. All full terms of office, filled either by election or appointment, including the supervisors of said city, shall commence on the first day of January next following the annual city election, except as otherwise provided by this act, but no person shall receive salary or other emolument, as an officer, for the time intervening between his election or appointment, and the time of taking the oath of office and filing the security required of him by law or by the provisions of this act. No salary or compensation shall be allowed or paid to the mayor or any alderman for any services rendered in the discharge of the duties of any of their respective offices, pursuant to the provisions of this act.

§ 6. This act shall take effect immediately.

Chap. 22.

AN ACT to incorporate the Coburn free library and for the establishment and maintenance of a free library in the village of Owego.

BECAME a law February 18, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of school commissioners of the village of Owego, now in office, H. Austin Clark, Aaron P. Storrs and Eli W. Stone, of said place, are hereby created a body politic and corporate, by the name of the Coburn free library, at Owego, Tioga county, and by that name, they and their successors shall have and may have succession, may sue and be sued, may sell and convey real estate, and have a common seal and alter the same at pleasure; and they and their successors, by their corporate name, shall in law be capable of taking, receiving, purchasing and holding real and personal property, by gift, devise, bequest, grant or otherwise, for the purposes of their incorporation, and for no other purpose to an amount not exceeding five hundred thousand dollars; to make by-laws for the management of its affairs; to purchase, receive by gift or on deposit for use, any books, manuscripts, maps, prints, coins, metals, paintings and other literary articles and works of art for said library; to elect and appoint officers and agents of said corporation for the management of its business and pay them such compensation as may be determined; and generally to do any act necessary for the accomplishment and objects of the corporation not contrary to the constitution or laws of this state or of the United States.

§ 2. The object and purpose of said corporation is to found, continue and perpetuate a free, public, circulating and reference library for and among the inhabitants of the village of Owego; and it shall have power to demand, recover and receive all such money or other property, real or personal, as is given to it by virtue of the last will and testament of Andrew Coburn, or shall be conveyed or transferred to, or in any manner bestowed upon it, by the persons, executors or trustees by virtue of the power conferred upon them by the said last will and testament, and

Corporat-
ors.

Corporate
name and
powers.

Objects of
corpora-
tion.

the said corporation shall have power to hold, manage, improve, dispose of and convey all property at any time received or acquired by it in such manner as may be best calculated to carry out its objects and purposes.

Directors.

§ 3. The school commissioners now in office in the village of Owego, and their successors in office, and the said H. Austin Clark, Aaron P. Storrs and Eli W. Stone, shall be the directors of said corporation. In case of the death, resignation or removal from the village of Owego, of the said H. Austin Clark, Aaron P. Storrs and Eli W. Stone, or either of them, their successor or successors shall be chosen by the remaining directors.

Village appropriations.

§ 4. The said corporation is hereby authorized to apply annually to the board of trustees of the village of Owego, for an appropriation of a sum not exceeding five hundred dollars, and the said board of trustees of said village is authorized to appropriate annually such a sum as they may determine, not exceeding five hundred dollars, to said corporation.

Excise moneys.

§ 5. The supervisor of the town of Owego, is hereby authorized and required to pay annually to the corporation created by this act twenty-five per cent. of all moneys received by him, or caused to be paid him from or by the excise board, or commissioners of excise of said town.

Sale of county real estate to corporation.

§ 6. The supervisors of the county of Tioga, are hereby authorized and empowered to sell and convey any real estate owned by the county of Tioga in the village of Owego, not used for county purposes, to the corporation created by this act, on whatever terms may be mutually agreed upon by the board of supervisors and said corporation.

Repeal.

§ 7. All of chapter fifty-three and chapter four hundred and eighteen of the laws of eighteen hundred and seventy-three, are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 24.

AN ACT for the appointment of a clerk for grand juries of Chenango county.

BECAME a law February 21, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the county judge of the county of Chenango, upon the recommendation of the district attorney of such county, to appoint a clerk to take the testimony, with a typewriter, given before grand juries in said county of Chenango. Appointment of clerk.

§ 2. Every clerk appointed under the provisions of this act shall be a citizen and resident of the county in which he is appointed. Qualifications.

§ 3. Every appointment made pursuant to this act shall be in writing under the hand of the county judge of Chenango county, who makes the same, and of the district attorney, who recommends the appointee, and shall be filed in the clerk's office of the county of Chenango. Every appointee before he enters upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall make oath before the county clerk of said county that he will keep secret all matters and things occurring before such grand juries. Appointment, how made. Oath of office.

§ 4. Any appointment made under the provisions of this act, may be revoked by the authority making the same, which revocation must be in writing and filed in the office of the clerk of Chenango county. Revocation of appointment.

§ 5. It shall be lawful for any clerk, duly appointed and qualified as herein before provided, to attend and be present at the session of every grand jury impanelled in the said county of Chenango, and it shall be his duty to take with a typewriter the testimony introduced before such grand jury, and to furnish to the district attorney of said county a full copy of all such testimony as such district attorney shall require, but he shall not permit any other person to take a copy of the same, nor of any portion thereof, nor to read the same, or any portion thereof, except upon the written order of the court duly made after hearing the said district attorney. All of the said original minutes shall be kept in custody of said district attorney, and neither the Powers and duties of clerk. Original minutes.

same, nor a copy of the same, or of any portion of the same, shall be taken from the office of said district attorney, except as above provided.

Misde-
meanor.

§ 6. Every clerk appointed as aforesaid, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor.

Compensa-
tion.

§ 7. Such clerk appointed as aforesaid shall receive such compensation for services rendered while engaged in taking testimony with a typewriter before the grand jury as shall be determined by the county judge of the county of Chenango. Such compensation shall be a county charge, and shall be paid by the treasurer of Chenango county, upon the affidavit of such clerk and the certificate of the district attorney specifying the number of days of actual service and the number of folios or copy furnished.

Chap. 25.

AN ACT to provide for the better administration of justice in the town of Whitehall, in the county of Washington, and State of New York.

BECAME a law February 21, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Police jus-
tice, his
election.

Section 1. At the annual town meeting in the year eighteen hundred and ninety-five, and at the annual town meeting in every second year thereafter, in the town of Whitehall, Washington county, New York, there shall be elected a police justice, who shall hold his office for two years and until another is elected in his place and has qualified.

Powers and
jurisdic-
tion.

§ 2. Such police justice shall be a resident elector of the town of Whitehall, and shall have the same jurisdiction in all criminal cases and proceedings as that now possessed by justices of the peace in said town; and he shall possess the same powers and be subject to the same duties in respect thereto within said town; and said office shall be one of the town offices of said town. Such police justice shall have power, and it shall be his duty to hear, try and determine all criminal cases and proceedings which a court of special sessions has power to hear, try and determine, and his judgments and proceedings may be

reviewed in the same manner as provided by law in criminal cases and proceedings before a justice of the peace or a court of special sessions.

§ 3. Said police justice, before entering upon the discharge of the duties of his office, shall take and subscribe the constitutional oath of office, and shall also execute a bond to the people of the state of New York, in the penal sum of three thousand dollars, with two sureties to be approved by the supervisor of said town, conditioned for the faithful performance of the duties of his office and the payment of all moneys received by virtue thereof as hereinafter mentioned, which bond shall be filed in the town clerk's office of said town. Official oath and bond.

§ 4. The salary of said police justice shall be at the rate of Salary. six hundred dollars per year, and the same shall not be increased or diminished during his term of office, and shall be audited, allowed and paid as other bills and accounts against said town of Whitehall.

§ 5. In case of sickness, absence from said village and town, Acting police justice. disability or inability of the police justice to act, his powers and duties are hereby conferred and imposed upon either of the justices of the peace of said town of Whitehall, who may be designated by the supervisor of said town; and it shall be the duty of the supervisor of the said town each year, to designate one of the justices of the peace of said town, who shall act in such cases instead of the police justice, and he shall be designated and known as "acting police justice." He shall take and Official oath and bond. subscribe the constitutional oath of office, and execute a bond as required by section three of this act, and file the same with the town clerk of said town before entertaining jurisdiction of any action or proceeding by virtue of this act. And in case of a Powers and duties. vacancy in said office of police justice, caused by the death, resignation or removal for legal cause of the police justice, the "acting police justice" shall perform the duties of said office, until the next annual town election for town officers, when such vacancy shall be filled by election; and any person so elected shall, upon properly qualifying as required by section three of this act, immediately enter upon the discharge of his duties as such police justice. Any justice of the peace so designated or Compensation. appointed as "acting police justice," and while serving as such, shall receive the same ratable compensation as is hereby pro-

vide.] to be paid said police justice, and the sum so paid shall be deducted from the salary of said police justice.

**Commit-
ments.**

§ 6. Said police justice and acting police justice shall have power to commit prisoners to such lock-up as shall be designated, built or furnished by said town of Whitehall during the trial, or pending any trial or examination of such prisoner, before said police justice or acting police justice, for any crime, offense or charge thereof; and after any such trial or examination he shall have the power to commit any such prisoner directly to the Albany penitentiary, in all cases where said justice may sentence such prisoner to said penitentiary, without committing him to the county jail of said Washington county. And during any such commitment of any prisoner to the aforesaid lock-up, the expense of the support of any such prisoner shall be a charge against the county of Washington or the town of Whitehall, as the case may be.

**Police court
docket.**

§ 7. The said police justice and acting police justice shall each keep a docket, in which he shall keep a record of all proceedings had before him, and shall enter therein the names of all persons arrested and brought before him, their age, sex, residence, where born, whether they can read and write, whether married or single occupation, on what charge arrested and the disposition of the case; said docket shall be designated "police court docket of the town of Whitehall," and the same shall be open during office hours to public inspection when not in use.

**Monthly
returns to
supervisor.**

§ 8. Said police justice and acting police justice shall make monthly returns to the supervisor of the town of Whitehall of all arrests made by virtue of any process issued by him, together with the arrests which are made without warrant, and disposed of by said police justice and acting police justice, showing the name of the person arrested, charge on which arrested, name of the officer making the arrest, on whose complaint arrested, age, sex, residence, whether they can read and write, whether married or single, occupation, disposition of case, and in case of fine, the amount of any such fine, and all other information he may possess in relation to any such case or its disposition, which return shall be verified by his oath or affirmation.

**Payment
over of
fines, etc.**

§ 9. Said police justice and acting police justice shall pay over to the supervisor of the town of Whitehall, on or before the fifth day of every month, all moneys he shall have received for any

costs, charges, fees or fines in any proceedings before him, for the month immediately preceding, and shall accompany the same with his oath or affirmation that the same is a full and faithful account of all moneys received by him as aforesaid. Said moneys so paid to said supervisor shall be retained by him for the use of the poor of said town of Whitehall.

§ 10. Said police justice shall have all the powers of justices of the peace or commissioners of deeds or notaries public to take affidavits, acknowledgments and proof of deeds and other instruments, and be entitled to the same compensation as is now paid to said officers therefor. But nothing herein contained shall be construed as allowing said police justice to make any charge for administering oaths or taking acknowledgments in connection with any criminal process. May take affidavits, etc.

§ 11. Said police justice or acting police justice shall not retain for his own use any fees, costs, charges or fines collected by him whatever, except those allowed to the police justice as specified in the last preceding section, but shall charge and collect all such fees, costs, charges or fines now allowed by law, and pay the same over to the supervisor of the town of Whitehall as provided in section nine of this act. Fees, costs, etc.

§ 12. All processes, mandates, orders, commitments or other documents made or issued by said police justice, shall be signed in addition to his signature, "police justice of the town of Whitehall," and when made or issued by said acting police justice, the same shall be signed in addition to his name and title of his office, "acting police justice of the town of Whitehall." Processes, etc., how signed.

§ 13. There shall be elected in said town of Whitehall, Washington county, New York, at the annual town election, for town officers, in the year eighteen hundred and ninety-five, and at the annual town election for town officers, in each year thereafter, as town officers of said town, two police officers, who shall immediately enter upon the discharge of the duties of their office. Police officers, their election.

§ 14. Such police officers so elected shall be resident electors of said town of Whitehall, and shall, before entering upon the discharge of the duties of their office, take and subscribe the constitutional oath of office, and execute a bond in manner and form as required by statute of constables and file the same in the office of the town clerk of said town. Qualifications. Official oath and bond.

Powers and
duties.

§ 15. Such police officers shall have and exercise all the powers and authority that constables of the town of Whitehall now have or hereafter shall have with regard to all criminal matters and all proceedings of a criminal nature. In all cases in which they are authorized to act they shall possess the same powers, perform the same duties, and be subject to the same liabilities as constables. And it shall be their duty to serve all processes and mandates issued by said police justice or acting police justice, and to execute the orders and commitments of said police justice or acting police justice of said town of Whitehall in the trial or examination of criminal cases, and shall convey direct all persons sentenced within said town to confinement in any jail or penitentiary to such place of confinement.

Compensa-
tion.

§ 16. The compensation of said police officers shall be at the rate of forty dollars per month, together with their actual and necessary disbursements in keeping and conveying prisoners to the county jail or penitentiary, to be audited, allowed and paid as other bills and accounts against said town of Whitehall.

Fees of
police
officers.

§ 17. Such police officers shall not retain for their own use and benefit any fees for services rendered, but they shall demand and receive for all processes served by them the same fees as are provided by law for constables for like services; and they shall keep an accurate account thereof, and pay the same over to the supervisor of the town of Whitehall, on or before the fifth day of every month, accompanied by their oath or affirmation that the same is a full and faithful account of all moneys received by them as aforesaid. Said moneys so paid to said supervisor shall be retained by him for the use of the poor of said town.

Designa-
tion of
elector to
act.

§ 18. In case of sickness, absence from said village and town, disability or inability of either of said police officers to act, and in case of a vacancy in said office, caused by the death, resignation or removal for cause, of either of said police officers, the supervisor of said town of Whitehall shall forthwith designate and appoint some resident elector of said town to act and perform the duties of said police officer until said regularly elected police officer shall resume the duties of his office, or until such vacancy shall be filled by the election of a police officer. Any police officer so designated, and while serving as such, shall receive the same ratable compensation as is hereby provided to

be paid said elected police officers, and the sum so paid shall be deducted from the salary of said elected police officer.

§ 19. The sheriff, under sheriff, deputy sheriffs, or constables elected or appointed in the county of Washington, or the village or town of Whitehall, or any railroad officer or detective employed by any railroad company whose road extends into or runs through said county of Washington, shall ~~not~~, as such, be compelled to serve within the town of Whitehall, or village of Whitehall, any summons, warrant, subpoena, commitment, order, notice, paper or process whatever, issued or directed by the police justice of said town, or village, or any justice of the peace residing or doing business therein, in execution of the laws of this state for the prevention of crime and the punishment of criminal offenders, or of the police laws or regulations of the State, or in any proceedings collateral to or connected with the execution of such general laws or regulations, or of the by-laws, rules, regulations or ordinances of said town, or of said village aforesaid; nor shall the county of Washington, or any of the towns therein, or the village of Whitehall, be chargeable with, or in any way liable to pay any such sheriff, under sheriff, deputy sheriff, constable, or railroad officer or defective, any fees for services rendered, or disbursements paid or incurred, under or by virtue of such warrants, subpoenas, commitments, order, notice, paper or process whatever.

Certain officers not required to serve papers.

County, etc., not liable for fees.

§ 20. No justice of the peace of the town of Whitehall or police justice of said village shall be compelled to issue any summons, warrant, subpoena, commitment, order, notice, paper or process whatever, for any criminal offense, within said town, nor shall the county of Washington, or any town therein, or the village of Whitehall, be chargeable with, or in any way liable to pay any such justice of the peace or police justice of such village any fees for any services rendered, or disbursements, paid or incurred, under or by virtue of any such warrants, subpoenas, commitments, orders, notices, papers or process whatever.

Town justices not required to issue warrants, etc.

County, etc., not liable for fees.

§ 21. A police justice or acting police justice elected, or appointed, as provided in this act, may be removed from office for the same causes, by the same officer or tribunal, and in the same manner now provided by law for the removal of justices of the peace.

Removals from office.

§ 22. This act shall take effect immediately.

Chap. 27.

AN ACT to authorize the city of Syracuse to levy a tax to provide the means to defray said city's share of the cost of constructing a hoist or swing bridge over the Erie canal at Salina street in the city of Syracuse.

Accepted by the city.

BECAME a law February 21, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Tax for
bridge au-
thorized.

Section 1. The common council of the city of Syracuse is hereby authorized and empowered to levy a tax in the general tax levy for the year eighteen hundred and ninety-five, to the amount of fifteen thousand dollars for the purpose of defraying said city's share of the cost of the construction of a hoist-bridge over the Erie canal at Salina street in said city; said sum so authorized to be levied and raised to be in addition to the sums authorized to be raised by section one hundred and six, title seven of chapter twenty-six of the laws of eighteen hundred and eighty-five, as amended by chapter three hundred and seventy-six of the laws of eighteen hundred and ninety-one, and chapter five hundred and thirty-one of the laws of eighteen hundred and ninety-three. Any unexpended balance of said fifteen thousand dollars remaining after the payment of said city's share of the cost of construction of said bridge, in case said share shall not equal said sum of fifteen thousand dollars, to be transferred to the contingent fund and to be expended for the purposes for which said fund is authorized to be expended.

Additional
to sums
heretofore
authorized.

Unex-
pended
balance.

§ 2. This act shall take effect immediately.

Chap. 28.

AN ACT to authorize the city of Syracuse to levy a tax to provide the means to defray the balance of said city's share of the cost of constructing the present hoist bridge over the Erie canal in Clinton street, and the hoist bridge over the Erie canal in Geddes street in the city of Syracuse.

Accepted by the city.

BECAME a law February 21, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. The common council of the city of Syracuse is hereby authorized and empowered to levy a tax in the general tax levy for the year eighteen hundred and ninety-five, to the amount of one thousand dollars for the following purposes: Five hundred dollars to pay the balance of the city's share of the cost of constructing the present hoist-bridge over the Erie canal in Clinton street, and five hundred dollars to pay the balance of said city's share of the cost of constructing the hoist-bridge over the Erie canal in Geddes street in said city; said sum so authorized to be levied and raised to be in addition to the sums authorized to be raised by section one hundred and six of chapter twenty-six of the laws of eighteen hundred and eighty-five, as amended by chapter three hundred and seventy-six of the laws of eighteen hundred and ninety-one and chapter five hundred and thirty-one of the laws of eighteen hundred and ninety-three. Any unexpended balance of either of said sums of five hundred dollars remaining after the payment of said city's share of the cost of construction of either of said bridges in case said share shall not equal said sum of five hundred dollars in addition to the sum heretofore raised for the construction of such bridge to be transferred to the contingent fund and to be expended for the purposes for which said sum is authorized to be expended.

§ 2. This act shall take effect immediately.

Chap. 31.

AN ACT to amend chapter five hundred and seventy-eight of the laws of eighteen hundred and ninety-two, entitled "An act to amend section sixty-two of chapter two hundred and ninety-four of the laws of eighteen hundred and ninety, entitled 'An act to amend chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two, entitled An act to amend and consolidate the several acts relative to the city of Schenectady,' as amended by chapter sixty-two of the laws of eighteen hundred and seventy-three, and by chapter one hundred and forty-six of the laws of eighteen hundred and seventy-seven, and by chapter fifty-two of the laws of eighteen hundred and eighty-four, and by chapter one hundred and eighty-four of the laws of eighteen hundred and eighty-eight, and by chapter ninety-seven of the laws of eighteen hundred and eighty-nine."

Accepted by the city. :

BECAME a law February 21, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City
charter
amended.

Section 1. Section sixty-two of chapter five hundred and seventy-eight of the laws of eighteen hundred and ninety-two, entitled "An act to amend section sixty-two of chapter two hundred and ninety-four of the laws of eighteen hundred and ninety, entitled 'An act to amend chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two, entitled An act to amend and consolidate the several acts relative to the city of Schenectady,' as amended by chapter sixty-two of the laws of eighteen hundred and seventy-three, and by chapter one hundred and forty-six of the laws of eighteen hundred and seventy-seven, and by chapter fifty-two of the laws of eighteen hundred and eighty-four, and by chapter one hundred and eighty-four of the laws of eighteen hundred and eighty-eight, and by chapter ninety-seven of the laws of eighteen hundred and eighty-nine," is hereby amended so as to read as follows:

Issue of
street im-
provement
bonds or
notes.

§ 62. In case any such assessment shall be made payable in installments, as provided by the last preceding section, the common council shall cause to be executed the bonds or promi-

sory notes of the city, which shall be signed by the mayor and the city treasurer and shall be known as street improvement bonds or notes, and have stated therein the name of the street for the improvement of which such assessment was made, in such principal sums as shall be deemed expedient, and which in the aggregate shall be equal to the amount of the installments of the assessments which are payable in not less than one year from the time of making such assessment; an equal amount of the aggregate principal sum payable by such bonds or notes shall be payable at the expiration of three months from and after the time when each of the installments of the said assessments shall come due and payable. Such bonds or notes shall be drawn with interest at a rate not exceeding five per centum per annum, payable annually or semi-annually as the common council shall determine. The common council shall sell or dispose of such bonds or notes to the highest bidder by a sale at public auction or by sealed proposals, at not less than par, after publication for eight days or more in one of the daily newspapers of said city, of a notice of such sale or for such sealed proposals. The avails of such bonds or notes shall be used for no other purpose than to defray the cost and expense of the improvement for which the said assessment shall be made. The principal and interest of such bonds or notes shall be paid by the city treasurer as they respectively become due out of the amount collected upon the assessment on account of which they were made. Should there not be sufficient money in the hands of the city treasurer collected upon such assessments to pay the amount due on any such bond or note when it becomes due, the common council shall borrow upon the note or notes of the city the amount that shall be required to pay such deficiency, which notes shall be paid out of the moneys finally collected on such assessment. If at the end of six months after the last installment of such assessment become due and payable, any of such city notes given to raise money to pay a deficiency in the amount collected upon such assessment as above provided shall remain unpaid, the surplus of the amount due thereon for principal and interest over the moneys in possession of the city treasurer collected upon such assessment, shall be raised by general tax, in the same manner and by the same proceedings provided by the city charter for raising, by tax, moneys required for the

Sale thereof.

Payment of principal and interest.

Limitation. ordinary current expenses of the city. No bonds or notes shall be made by the city of Schenectady under or by authority of this section or by section seventy-four of this title, when the amount of the bonds or notes previously made under or by authority of either of such sections, and remaining unpaid, with the amount of such bonds or notes proposed to be made, shall exceed the sum of two hundred thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 33.

AN ACT legalizing a special election in the village of Forestville, held on April twenty-fourth, eighteen hundred and ninety-four, in relation to a system of water-works for such village.

BECAME a law February 21, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Special
election
legalized.

Section 1. The special election in the village of Forestville, called by the board of president and trustees thereof on April fourth, eighteen hundred and ninety-four, and held on April twenty-fourth, eighteen hundred and ninety-four, at which was submitted the question of whether a system of water-works should be constructed in such village and sufficient funds for the construction thereof, not exceeding ten per centum of the value of the taxable property, should be raised by tax upon the taxable property of such village, shall be deemed to have been held on sufficient notice and in compliance with chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, and the acts amendatory thereof and supplementary thereto, so far as such acts relate to the presentation of such propositions to the citizens and taxpayers of the village, by the board of president and trustees thereof; and the action of such board and the special election so held are hereby confirmed and legalized, with the same force and effect as if such propositions had been duly and regularly submitted in pursuance of law.

§ 2. This act shall take effect immediately.

Chap. 35.

AN ACT to amend chapter four hundred and sixty-three of the laws of eighteen hundred and sixty, entitled "An act revising the charter of the city of Oswego," and the several acts amendatory thereof and supplemental thereto and to change the time for holding the charter election in the city of Oswego and to provide for the tenure of office of the officers of said city.

Accepted by the city.

BECAME a law February 22, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of title two of chapter four hundred and sixty-three of the laws of eighteen hundred and sixty is hereby amended to read as follows: Charter amended.

§ 5. The charter election of the city of Oswego shall be held hereafter on the Tuesday next succeeding the first Monday in November of each year, and there shall be no charter election for the election of officers of said city on the first Tuesday in March, eighteen hundred and ninety-five. Charter election..

§ 2. An election for elective officers of the city of Oswego shall be held on the Tuesday next succeeding the first Monday in November at the time and at the places fixed by law for holding general election on that day. Such election shall be conducted in all respects in the same manner as general elections, and all the provisions of law relative to such elections shall be applicable to the election of such officers of the city.

§ 3. Upon the completion of the canvass of the vote in each election district, the inspectors thereof shall cause a separate statement thereof, so far as relates to the election of officers of the city, to be made and signed by them, and shall on the same day or the next thereafter file the same with the city clerk. The clerk shall present such statement to the common council at a meeting thereof, to be held at nine o'clock in the morning on the first Tuesday thereafter. The common council shall forthwith determine, declare and certify in the manner provided by law who is elected for the office of mayor, and shall Statement of canvass.
Certificates of election

also in the same manner determine, declare and certify who are elected at the said election to the various city and ward offices to be filled at said election. Such certificates shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of Oswego county.

Terms of
elective
officers.

§ 4. The terms of office of all officers elected on said day shall begin on the first day of January next succeeding the election by which they or either of them were chosen, and said officers shall continue to hold their offices for the terms now provided by law, and until their successors are chosen and qualified.

Terms of
incum-
bents.

§ 5. All officers of the city of Oswego in office when this act takes effect, shall hold their office until the expiration of the term for which they were respectively chosen, and until their successors are chosen and qualified. A vacancy occurring in an appointive office between March fifth, and December thirty-first, eighteen hundred and ninety-five, otherwise than by expiration of term, may be filled by appointment by the mayor for the term ending December thirty-first, eighteen hundred and ninety-five; and thereafter all appointive officers of the city of Oswego shall be appointed, and shall qualify and enter upon the duties of their respective offices, on or before the tenth day of January, in each year. From and after the first day of January, eighteen hundred and ninety-six, the terms of office of appointive officers of said city shall be for the length of time now fixed by law for such offices, respectively.

Vacancy in
appointive
offices.

Appointive
officers.

Repeal

§ 6. All act and parts of acts inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately.

Chap. 37.

AN ACT to enable the town of Lancaster in the county of Erie, to lease its public buildings or a part thereof.

BECAME a law February 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Lease of
buildings
authorized.

Section 1. The town of Lancaster, in the county of Erie, is authorized to lease, for a period not exceeding five years, any public buildings or any part thereof belonging to such town,

except school houses, at a rent to be fixed by the town board of such town; subject to the provisions and limitations of the general municipal law relating to leases to grand army posts.!

§ 2. This act shall take effect immediately.

Chap. 41.

AN ACT authorizing the city of Elmira to issue its bonds for providing and equipping a new city hall.

Accepted by the city.

BECAME a law February 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Elmira, by its common council, shall have authority, by resolution duly adopted, to cause registered or coupon bonds of said city in a sum not exceeding seventy-five thousand dollars to be known as city hall bonds, to be issued and sold; such bonds shall be signed by the mayor and clerk, and sealed with the seal of said city. They shall be of a denomination or denominations and shall mature at such times and bear such rate of interest, not exceeding four and one-half per cent., as the common council of said city shall determine. They shall be sold at not less than par value.

§ 2. The chamberlain of said city shall make and keep in his office a record of said bonds by number, date, amount, date or dates of maturity, and name of payee or names of payees if registered. The moneys therefrom shall be paid to him, and by him placed apart as an independent and exclusive fund, to be known as city hall fund, and shall be used solely for the purpose of providing a city hall and appurtenances upon the site of the present city hall or purchasing a new site and the erection of a city hall thereon in the stead of the present city hall of said city, and equipping and furnishing the same.

§ 3. The common council of said city is authorized to sell the existing city hall, and the entire tract or lot of land upon the north side of Market street of said city upon which such city hall is located, and the moneys from such sale shall be paid to said chamberlain and by him be placed to the credit of said city hall fund.

Providing
and equip-
ping new
city hall.

§ 4. From and with said moneys the common council of said city shall provide in the name of and for the use of said city a city hall in location, structure, dimensions, appurtenances and arrangements suitable for the occupation thereof by the official bodies and officers of said city, and the transaction therein of the business appertaining to said city, and shall suitably equip and furnish the same. And it shall make such contracts and purchases of real or personal property as it may deem essential and most advantageous to such end.

Unex-
pended
balance.

§ 5. Any unexpended balance of the said moneys shall be applied to the payment of the bonds of the city.

Tax for
bonds and
interest.

§ 6. The city of Elmira is authorized to raise by tax in addition to all other sums now authorized by law, whatever sums may be necessary to pay the interest on said bonds and the principal, at the times of maturity thereof.

§ 7. This act shall take effect immediately.

Chap. 44.

AN ACT to amend chapter five hundred and twenty of the laws of eighteen hundred and ninety-three, entitled "An act to make the office of county clerk of Onondaga county a salaried office, and to provide for the management of said office and to fix the salary of said clerk and deputies."

BECAME a law February 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section eight of chapter five hundred and twenty of the laws of eighteen hundred and ninety-three, entitled "An act to make the office of county clerk of Onondaga county a salaried office, and to provide for the management of said office, and to fix the salary of said clerk and deputies," is hereby amended so as to read as follows:

Deputy
clerks and
assistants.

§ 8. There shall be one deputy clerk and two special deputy clerks, and the board of supervisors shall have the power to designate the number of additional special deputy clerks, and said county clerk shall appoint such deputy and such two special deputy clerks, and as many additional special deputy

clerks as so designated by said board; also as many assistants as may be necessary for the faithful discharge of the duties of his office, and shall be responsible for their official acts, and the salaries of said clerks and assistants shall be paid in the same manner as the salaries of other county officers are paid. The salary of the deputy clerk shall be one thousand five hundred dollars per annum, and of the two special deputy clerks the salary shall be one thousand two hundred dollars each per annum, and of each additional special deputy clerk, the salary shall not exceed nine hundred dollars per annum, and the board of supervisors may determine the number of assistants and fix their salary or compensation; provided, however, that all work done by such assistants may be done and paid for by the piece or folio, at the discretion of the clerk, and the amount of work so performed shall be certified to by the county clerk for each calendar month.

§ 2. This act shall take effect immediately.

Chap. 45.

AN ACT to amend chapter seventy-three of the laws of eighteen hundred and sixty-eight, entitled "An act to establish the office of receiver of taxes in the town of Westchester, in the county of Westchester, New York."

BECAME a law February 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter seventy-three of the laws of eighteen hundred and sixty-eight, entitled "An act to establish the office of receiver of taxes in the town of Westchester in the county of Westchester, New York," is hereby amended so as to read as follows:

§ 8. The percentage upon taxes paid to and collected by the receiver of taxes shall be applied to the payment of the salary, which is hereby fixed at the sum of one thousand five hundred dollars per annum; if the amount of percentage received by him shall exceed that sum, the balance shall be paid to the supervisor of said town to be applied by him to town purposes; in

Act amended.
Salary of receiver, percentage applicable to.

Tax for
deficiency.

case the said percentage shall not amount in the aggregate to the said sum of one thousand five hundred dollars, then the deficiency shall be assessed and collected from the taxable property in said town with the succeeding year's taxes and applied to the payment of the deficiency of said salary.

§ 2. This act shall take effect immediately.

Chap. 47.

AN ACT to authorize and enable the city of Cohoes to borrow money upon its credit for the purpose of erecting and constructing two public school buildings and their appurtenances in said city, and to properly furnish and equip the same; one of said buildings to be erected upon Garner street and one upon Hudson avenue in said city.

Accepted by the city.

BECAME a law February 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Council to
borrow
money.

Section 1. It shall be the duty of the common council of the city of Cohoes, to borrow, upon the credit of said city, such sum of money, not exceeding twenty-five thousand dollars, as the board of education of said city shall certify to said common council to be necessary therefor, for the purpose of constructing and erecting two public school buildings in said city; one upon Garner street and one upon Hudson avenue, and to properly equip and furnish said school buildings, and grade and improve said sites. Said money to be borrowed upon such terms and at such rate of interest, not exceeding four per cent per annum payable semi-annually, as shall be deemed for the best interest of the city and the payment thereof, to be secured by the issuing of bonds of said city, to be signed by the mayor and chamberlain of said city, and the president of said board of education. Said bonds to be of such denominations respectively, and payable at such time and times as said common council shall determine. Said bonds shall be paid by the chamberlain of said city, out of the fund hereinafter provided for the payment of the same. Said bonds shall be sold at public auction at a time not less than ten days, after a notice of such sale shall have been duly published in two daily

Issue of
bonds.

newspapers, published and printed in said city, and shall be sold at not less than par, and the proceeds of said sale shall be paid to the chamberlain of said city and by him placed to the credit of the board of education of said city, and paid out only on the order or draft of said board of education for the purposes aforesaid, to carry into effect the provisions of said act.

§ 2. The common council of said city, shall raise such amounts of money, by tax upon the taxable property of said city as shall be sufficient to pay the principal and interest of said bonds as the same shall become due and payable, which amounts so to be levied and collected shall be in addition to the amounts that are now or shall be authorized by law to be so raised for the purposes aforesaid.

§ 3. All the provisions of the existing law so far as the same are inconsistent with any of the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 48.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes."

Accepted by the city.

BECAME a law February 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of title one of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," is hereby amended to read as follows:

§ 2. The city shall be divided into six wards, as follows:

First ward.—All that part of the city included within the following lines, to wit: Commencing at a point in the Mohawk river, where the center line of Vliet street extended intersects the boundary line of the city; thence westerly along said line and the center line of Vliet street to its intersection with the

Erie canal; thence southerly along the center of said canal to the center line of Newcomb street, extended westerly to the center of the lands of the New York Central and Hudson river railroad company; thence westerly along said line to the center of said railroad company's lands; thence northerly and westerly along the center line of said railroad company's lands to its intersection with the northerly boundary line of said city; thence northerly and easterly along the boundary line of the city to the place of beginning shall comprise the first ward.

Second
ward.

Second ward.—All that portion of the city comprised within the following lines, to wit: Commencing at a point in the Mohawk river where the line of Vliet street extended intersects the boundary line of the city; thence easterly and southerly along said boundary line and the center of the south branch of said river as it flows easterly of Simmons' island to a point directly east of the south end of said island; thence westerly to the south end of said island; thence in a direct line to the point of intersection of the center of Pine street with the center of the Champlain canal; thence westerly along the center of Pine street to its intersection with the center of Mohawk street; thence northerly along the center line of Mohawk street to its intersection with the center line of Newcomb street; thence westerly along the said center line of Newcomb street and the same extended in a direct line to its intersection with the center of the Erie canal; thence northerly along the center of said canal to the center of Vliet street; thence easterly along Vliet street and the line of Vliet street extended to the place of beginning shall comprise the second ward.

Third
ward.

Third ward.—All that part of the city comprised within the following lines, to wit: Commencing at a point in the center of the south branch of the Mohawk river, directly east of the south end of Simmons' island; thence southerly along the center of said south branch to a point where the center line of Cedar street extended easterly intersects the same; thence westerly along said line and the center of Cedar street to the center of Saratoga street; thence southerly along the center line of Saratoga street to its intersection with the center line of Mohawk street; thence northerly and westerly along the center line of Mohawk street to its intersection with the center line of Columbia street;

thence westerly along the center line of Columbia street to the center line of the Erie canal; thence northerly along the center line of said Erie canal to its intersection with center line of Newcomb street, extended in a direct line to the center line of the New York Central and Hudson river railroad; thence easterly along said line of Newcomb street and the southerly boundary line of the second ward of said city, as hereinbefore defined, to the place of beginning, shall comprise the third ward.

Fourth ward.—All that part of the city comprised within the following lines, to wit: Commencing at a point in the westerly bounds of the city where the center line of Columbia street produced westerly would intersect the same; and running thence easterly along the center line of Columbia street to the center line of Mohawk street; thence southerly and easterly along the center line of Mohawk street to its intersection with the center line of Saratoga street; thence along the center line of Saratoga street to its intersection with the center line of Cedar street; thence easterly along the center line of Cedar street and the same extended easterly to the intersection thereof with the center line of the south branch of the Mohawk river; thence along said last mentioned center line of said south branch of the Mohawk river to its point of intersection with the boundary line of said city near Dyke avenue; thence in a southerly direction along said boundary line to its point of intersection with the southerly boundary line of said city; thence along said last mentioned line to the westerly boundary line of said city; thence along said last mentioned line to the place of beginning, shall comprise the fourth ward.

Fifth ward.—All that part of the city included within the following lines, to wit: Commencing at a point where the center line of the Erie canal intersects the center line of Columbia street; running thence northerly along the center line of the Erie canal to a point where it intersects the center line of Newcomb street extended in a direct line to the center of said canal; thence westerly in the direct line of Newcomb street extended to the center line of the lands of the New York central and Hudson river railroad company; thence northerly along the center line of said lands to its point of intersection with northerly boundary line of said city; thence westerly and southerly along the northerly and westerly bound-

ary lines of said city to their point of intersection with the center line of the Boght road (now called Manor avenue); thence southerly along the westerly boundary line of said city to the center line of Columbia street; thence easterly along the center line of Columbia street to the place of beginning, shall comprise the fifth ward.

Sixth ward.

Sixth ward.—All that part of the city comprised within the following lines, to wit: Commencing at a point in the center line of that portion of the south branch of the Mohawk river flowing between Simmons' island and Van Schaick's island where the same is intersected by the center line of Ontario street; running thence in a northeasterly direction along the center portion of said south branch of said Mohawk river to the northern boundary line of said city; thence along said last-mentioned line to the easterly boundary line of said city; thence southerly along said last-mentioned line to a point in the Hudson river east of the mouth of the middle sprout of the south branch of the Mohawk river; thence westerly along the center line of said middle sprout to the center of said south branch; thence northerly and westerly along the center of the said south branch to the place of beginning, shall comprise the sixth ward.

Charter amended.

§ 2. Section two of title three of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," is hereby amended by adding thereto a new section to be known as section thirteen, and to read as follows:

Election of officers in sixth ward.

§ 13. There shall be elected in and for the sixth ward of said city at the annual election held in said city in the year eighteen hundred and ninety-five one supervisor who shall hold office for the term prescribed by law, two aldermen, two school commissioners and one constable, and at each annual election in said city thereafter there shall be elected all the ward and district officers provided for in this act with all the powers prescribed both by law and by this act. One alderman and one school commissioner elected at said first annual election shall hold their respective offices for one year after election, and one alderman and one school commissioner, so elected at such election shall hold their offices for two years after such election. Each elector shall designate on his ballot to be cast at such first annual elec-

tion, one person to serve as alderman and one person to serve as school commissioner for one year, and one person to serve as alderman and one person to serve as school commissioner for two years; but no ballot shall be counted where it shall contain the names of more than two persons for aldermen and two persons for school commissioners. All the provisions of this act shall apply to such first and subsequent elections except as herein otherwise provided.

§ 3. All acts and parts of acts inconsistent with or in conflict *Repeal.* with the provisions of this act are hereby repealed.

§ 4. This act to take effect immediately.

Chap. 49.

AN ACT to legalize, ratify and confirm the action and resolution of the president and board of trustees of the village of Cazenovia, in the State of New York, appointing five sewer commissioners for said village, and the action and proceeding of the president and board of trustees of said village, and of the said sewer commissioners in respect to constructing a sewerage system for said village.

BECAME a law February 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The action of the president and board of trustees of the village of Cazenovia, in the state of New York, and the resolution passed by the said board on the twenty-ninth day of March, eighteen hundred and ninety-three, appointing sewer commissioners of the village of Cazenovia, aforesaid, and the appointment of said commissioners under said resolution, and the proceedings of said sewer commissioners had and taken thereafter for the purpose of constructing a system of sewerage for said village, are in all respects, hereby legalized, ratified and confirmed, and shall, for all purposes, whatsoever, be held and deemed legal and valid.

§ 2. This act shall take effect immediately.

Acts and
proceed-
ings legal-
ized.

Chap. 50.

AN ACT to authorize the Salamanca Water-works Company to supply the village of Salamanca, Cattaraugus county, with electric lights.

BECAME a law February 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

May supply
electric
lights.

Section 1. The Salamanca Water-works Company of Salamanca, New York, is hereby authorized and empowered to contract with and supply the village of Salamanca, Cattaraugus county, and its inhabitants, with electric lights, with the same rights and privileges, and subject to the same restrictions as an electric light company formed for that purpose under article six, chapter five hundred and sixty-six, laws of eighteen hundred and ninety, known as the transportation corporations laws.

§ 2. This act shall take effect immediately.

Chap. 51.

AN ACT to confirm conveyance of property to the Kingsboro avenue Presbyterian church in the city of Gloversville, county of Fulton, and to legalize certain acts of said religious society.

BECAME a law February 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Deeds and
convey-
ances legal-
ized.

Section 1. All deeds and conveyances of property heretofore executed and delivered to the church or religious society which has now been incorporated under the name of the Kingsboro Avenue Presbyterian church, of Gloversville, New York, or to trustees for said church or religious society, in whatever manner the grantee is designated therein, shall have the same validity and effect in conveying the property therein described to and vesting the same in the said Kingsboro Avenue Presbyterian church that they would have had if the said church or religious society had been duly incorporated at the time of the execution and delivery of the said deeds and conveyances, and had been correctly named therein.

§ 2. All acts heretofore performed as corporate acts by the said religious society, or by the persons chosen and acting as its trustees, and which would have been valid and lawful as such, if the said religious society had been duly incorporated at the time when such acts were performed, are hereby ratified and confirmed, and declared to have the same validity and effect in all respects, that they would have had if the said religious society had been duly incorporated at the time when those acts were performed. Acts legalized.

§ 3. Nothing in this act contained shall affect any suit or proceeding now pending. Proviso.

§ 4. This act shall take effect immediately.

Chap. 53.

AN ACT to confirm the conveyance of a crematorium by William Osborne to the Waterville cemetery association, and the acceptance thereof.

BECAME a law February 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The grant and conveyance of the stone structure and building, with the appurtenances thereto belonging, made by William Osborne, on the thirteenth day of June, eighteen hundred and ninety-two, to the Waterville Cemetery Association, in the village of Waterville, in the county of Oneida, and the acceptance thereof by said association, which grant, conveyance and acceptance have been duly recorded in the clerk's office of Oneida county, are in all respects hereby ratified and confirmed, and the terms and conditions in said grant and conveyance expressed are hereby made obligatory upon said cemetery association. Conveyances legalized.

§ 2. This act shall take effect immediately.

Chap. 54.

AN ACT to amend chapter four hundred and fifty-two of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Westfield."

BECAME a law March 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section eleven of chapter four hundred and fifty-two of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Westfield," is hereby amended so as to read as follows:

Elections
to fill va-
cancies.

§ 11. Whenever any vacancy shall occur in the office of the trustees by death, resignation, removal from the village, or inability to transact the duties of the office, the clerk shall give notice of a meeting of the electors to fill the vacancy and any other that may exist in any of the elective offices of said village, which shall be specified in such notice. Such notice shall be given in the same manner and for the same length of time previous to such election as is herein provided respecting the annual election. The same officers shall act as inspectors of such election and the same shall be conducted and the result ascertained and declared in the same manner as the annual election.

§ 2. Section sixteen of said act is hereby amended so as to read as follows:

Duties of
village
president.

§ 16. The president, when present, shall preside at all meetings of the electors provided for by this act, and at all meetings of the trustees and shall vote only in case of a tie. He shall call special meetings of the trustees whenever in his opinion the interests of the village shall require it, or whenever requested so to do by two or more of the trustees; he shall take care that all the laws relating to said village, and the by-laws, ordinances, rules or regulations, which shall from time to time be enacted, shall be faithfully executed; he shall prosecute, in the corporate name, and for the use of said village, for all penalties and forfeitures incurred by any violation of such laws, by-laws, ordinances, rules and regulations; and he shall perform such other duties as shall from time to time be imposed upon him by law or by the by-laws, ordinances, rules and regulations of said village.

§ 3. The first paragraph of section seventeen of said act is hereby amended so as to read as follows:

§ 17. A majority of the board of trustees shall constitute a ^{Quorum and meetings of trustees.} quorum for the transaction of any business. All meetings of the trustees of said village shall be public, and all persons may attend the same, and it shall be the duty of the trustees:

§ 4. Subdivision one of section seventeen of said act is hereby amended so as to read as follows:

1. In the absence of the president to appoint one of the trustees president for the time being, and such trustee shall not thereby be deprived of his right to vote upon any question, and in case he shall exercise that right he shall not have a casting vote. ^{President pro tempore.}

§ 5. Subdivision two of section twenty-five of said act, as amended by chapter four hundred and nine of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

2. Whenever any person owning or occupying lands adjoining a highway within the limits of said village shall, with the consent of the trustees of said village, or a majority of them, flag or construct a stone or cement sidewalk within such highway, along the line of such lands so owned or occupied by him, of the width of four or more feet, it shall be the duty of such trustees to examine the same when finished, and to credit such owner or occupant thereof so much on account of his assessment for highway tax in said village as such trustee shall deem necessary to pay, not to exceed three-fourths of the actual and necessary expense of constructing said sidewalk, and to deliver to such owner or occupant their certificate of the amount of such credit; but such credit shall in no case be less than three dollars per lineal rod for the amount of said walk so constructed and finished. If said trustees find said walk or walks to be of less value than four dollars per lineal rod, then they are to give no credit whatever for the construction of the same. The trustees of said village shall thereafter exempt the owner or occupant of such lands from all highway taxes in said village till the amount of such exemption shall be equal to the sum of the credit for which said certificate was allowed. ^{Credit for construction of sidewalks.} ^{Exemption from highway taxes.}

§ 6. This act shall take effect immediately.

Chap. 55.

AN ACT to legalize and confirm the acts and proceedings of a special school meeting of the inhabitants of union free school district number seven of the town of Babylon, formerly school district number twenty-four of the town of Huntington, in the county of Suffolk, New York, in establishing a union free school district and to legalize and confirm the acts and proceedings of the annual meeting of the inhabitants of said union free school district, held in eighteen hundred and ninety-four, in voting to raise a tax to purchase a site, erect a school-house and pay legal expenses, and the issuing and selling of bonds by the board of education thereof.

BECAME a law March 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acts and
proceed-
ings legal-
ized.

Section 1. All acts and proceedings of a special school meeting of the inhabitants of union free school district number seven of the town of Babylon, formerly school district number twenty-four of the town of Huntington, in the county of Suffolk, New York, held on the sixth day of April, eighteen hundred and sixty-six, in establishing a union free school district; and all acts and proceedings of the annual school meeting of the inhabitants of said district held on the seventh day of August, eighteen hundred and ninety-four, in voting to raise by tax and paying in installments the sum of twenty-one hundred dollars to purchase school site, erect school house, and pay legal expenses, and all acts and proceedings of the board of education or trustees of said district in issuing and selling the bonds of said district for said purposes are hereby legalized, ratified and confirmed, and shall have the same force and validity as if the said special school meeting had been regularly called, the notices thereof duly served, the proper papers file* and every act done in all respects in conformity with the statutes in such cases made and provided, and as if previous notice stating that said tax would be proposed to be voted on and the amount and object of said tax and the issuing of bonds in relation thereto had been published or posted in twenty public

* So in the original.

places in said district for four weeks previous to said annual meeting, held on August seven, eighteen hundred and ninety-four, in all respects in conformity with section ten, of article two, of title eight, of chapter five hundred and fifty-six, of the laws of eighteen hundred and ninety-four, and as if all acts had been done in all respects in conformity with the law in such cases made and provided.

§ 2. This act shall take effect immediately.

Chap. 56.

AN ACT to organize and establish a new police for the village of West Troy.

BECAME a law March 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The electors of the village of West Troy, at the next charter election, to be held in said village on the first Wednesday in March, eighteen hundred and ninety-five, and every four years thereafter, shall vote for two commissioners of police, who shall hold office for the term of four years, beginning on the first Monday in April next after such election.

Election of
police com-
missioners.

§ 2. Immediately after the closing of the polls, the inspectors of election, in each ward, shall forthwith and without adjournment, canvass the votes received by them for such office, and declare the result, and on the same or the next day they shall make and file with the clerk of said village a certificate in writing of the number of votes given for each person for such office. No ballot shall be counted upon which more than two names for such commissioners shall appear.

Canvass
and state-
ment of
vote.

§ 3. The trustees of said village shall within ten days after the charter election at which such commissioners of police shall have been voted for, assemble and upon the statements and certificates of the inspectors of election in the respective wards herein provided for, shall proceed and declare what persons have been duly elected as such commissioners of police, and the two persons having the greatest number of votes in the whole village for such office shall be declared to be duly elected. The said trustees shall, immediately thereafter, appoint two additional

Declaration
of result by
trustees.

Appoint-
ment of
additional
commis-
sioners.

commissioners of police, who shall hold office for the same term as the commissioners elected, and which commissioners, so to be appointed, shall be those two persons who shall have received the highest number of votes next to the two persons who shall have been elected such commissioners of police, and which commissioners so to be appointed, shall belong to and be of the same political faith and opinion on state and national issues as one or the other of the two political parties which, at the last preceding election for state officers, shall have cast the greatest and next to the greatest number of votes in said village, but they shall not belong to the same political party nor be of the same political faith and opinion on state and national issues as the commissioners who shall have been elected. If the two commissioners elected belong to different political parties, the commissioners appointed shall be the two candidates for commissioners not elected and receiving the highest and next to the highest number of votes respectively, and belonging to different political parties. No person shall be elected or appointed to such office who is not an elector of said village. The said trustees shall cause their declarations and appointments to be entered in the minutes of their proceedings.

Record.

Notice to
persons
elected or
appointed.

§ 4. Written notice to the persons so elected and appointed of their election and appointment shall be given by the clerk of said village within three days after the declaration of their election and appointment by the trustees, and the said persons, within ten days after the receiving of such notice, shall qualify as such commissioners of police by taking and filing with the said village clerk the constitutional oath of office.

Oath of
office.

Board of
police,
organiza-
tion of.

§ 5. The four commissioners of police elected and appointed as provided by this act, shall constitute and be the board of police of the village of West Troy. The said board of police shall meet at the station-house in said village on the first Monday in April after their election and appointment, and appoint one of their number as chairman and another of their number as secretary of said board, who shall hold their offices at the pleasure of said board. If a majority of the board shall not agree in either or both of such appointments, they shall draw lots for such position or positions. The secretary shall record the proceedings of said board and make out all statements, certificates and orders required by this act or directed by said board.

Secretary.

§ 6. All services by members of said board, performed as such board, or under or by virtue of the provisions of this act, shall be rendered without compensation. No compensation.

§ 7. In case any vacancy shall occur in the office of commissioner of police of said village, such vacancy shall be filled by appointment for the unexpired term by a majority of those members of the board of trustees of said village, who shall belong to the same political party as the commissioner whose place is to be filled belonged at the time of his election or appointment, and the person so appointed shall belong to the same political party. The resignation of office of any commissioner of police shall be made to the board of trustees of said village and shall be subject to its acceptance. Vacancies in office. Resignations.

§ 8. The board of police of the village of West Troy shall have the general charge, supervision and control of the police of said village, and shall exercise the powers and fulfill the duties connected with or incident to the police government and discipline of said village, as hereinafter provided. General powers and duties

§ 9. The said board of police shall appoint not more than twelve policemen, who shall constitute the police of the village of West Troy, and who shall enter upon the discharge of their duties on the Tuesday succeeding the first Monday in April, in the year eighteen hundred and ninety-five. And upon the application of the president of said village, they may, upon any special occasion, appoint extra policemen for temporary service, not exceeding the number so applied for, who shall serve for a time not exceeding that stated in such application. The said board may also, at the request of any railroad corporation, or the president of any society holding public exhibitions in said village, or the proprietor or director of any other public exhibition in said village, appoint such number of special policemen as such president, proprietor or director may request, but the compensation of such special policemen, which shall be fixed by the board, shall be paid by the corporation, society, proprietor, president or director requesting their appointment. Policemen. Special policemen.

§ 10. No person shall ever be appointed a policemen by said board, or shall continue to hold office as such, who is not a citizen of the United States, or who has ever been convicted of crime, or who can not understandingly read and write in the English language. Qualifications of policemen.

Compensation.

§ 11. The policemen appointed by such board of police shall receive for their services such compensation as shall be directed by the said board of police, which shall not in any case, except as hereinafter provided, be more than eight hundred dollars per annum. The said board of police shall select from the policemen appointed by them one of the number, who shall be known as the captain of police, whose duty it shall be, under the direction of said board of police, to superintend the police department in said village, of which department he shall be the chief executive officer. He shall keep a book of records to be denominated "police records," in which he shall make daily entries of all the proceedings of his department, and of all the services rendered by him and the several policemen. He shall, on the first day of each month, report to the board of police the state of his department, the services performed by the policemen, respectively, the amounts, respectively, due to them for their services in the preceding month, and whether any of them have been delinquent in their duties. The compensation of the captain of police shall be such sum as shall be directed by the board of police, which shall not be more than one thousand dollars per annum. The said board of police shall appoint one of the policemen, by them appointed, sergeant of police, who shall, in the absence or inability to serve of the captain of police, possess his powers and perform his duties, subject to such rules and regulations as may be established by said board. The compensation of said sergeant of police shall not be more than nine hundred dollars per annum.

Captain of police.

Sergeant of police.

Official oath and terms.

§ 12. The said captain of police, sergeant of police, and each policeman and special policeman, before he enters upon the discharge of his duties, shall take and file with the village clerk the constitutional oath of office. The captain of police, sergeant of police, and the policemen (excepting special policemen) shall hold office during good behavior. Any one of the number may be removed by the board of police, on proof of charges preferred to them, in writing, of illegal, corrupt or otherwise improper conduct, of which he has had notice, and after he has had an opportunity to be heard in his defense; and pending such charge the board of police may suspend any policeman from duty. The police board may also for the disobedience of their orders or other offense not involving corrupt or criminal conduct, suspend

Removals for cause.

Suspensions.

temporarily from duty or pay, or both, any policeman; but such suspension shall not exceed thirty days.

§ 13. The members of the police force of said village shall possess in every part of the State of New York all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest issued by any magistrate of the State of New York may be executed in any part of the State by any member of the police force of said village, without any indorsement of said warrant, and according to the terms thereof; they shall also have the same power and authority which a constable possesses in civil cases and special proceedings, so far as serving and executing all process and papers in any action or proceeding in behalf of the village of West Troy, or any officer of such village suing as such, including proceedings in bastardy cases, but not otherwise. In all cases in which they are authorized to act, they shall possess the same powers, perform the same duties, and be subject to the same liabilities as constables, except as herein otherwise provided. They shall execute the orders and commitments of the police justice in said village, and of all justices of the peace in said village in criminal cases and of all courts held by him or them for the trial of criminal cases. They shall convey all persons sentenced by him or them to confinement in any jail, penitentiary or house of refuge to such place of confinement, and they shall serve and execute all civil process or proceedings issued or directed by any officer or court in said village in favor of said village, or in which said village shall be a party. They shall also convey to the village pound all cattle, swine and other animals forbidden to run at large by law or the ordinances of said village, whenever the same are so found on any of the streets or alleys of said village, and shall further aid in the enforcement of the by-laws and ordinances of said village by directing a compliance therewith whenever an omission so to do is observed, and upon further neglect or refusal to obey the same, by reporting the offender to the president of said village for prosecution, according to the provisions of the charter thereof. And all the provisions of sections seven, eight and nine of chapter two, title two, part four of the revised statutes, in relation to the giving and taking of bail, shall apply to this act.

§ 14. All criminal process for any offense committed within said village, issuing out of any court, or from any justice, judge

Powers and
duties of
policemen.

Service of
criminal
process.

or justice of the peace within said village and all process, subpoena, bench warrant or otherwise, issued by the district attorney of the county of Albany, relating to any offense committed within said village, may be served by a member of said police force.

Expense in
execution
of process.

§ 15. The necessary expenses incurred in the execution of criminal process within said village shall be a charge against the village. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force for the arrest, confinement or discharge of any person, or for mileage and travel, or for serving any warrant, subpoena or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the service of any warrant, subpoena or other process in any criminal case, except as herein provided.

No other
fees or
compensa-
tion.

Presents or
rewards.

§ 16. No policeman nor special policeman shall receive any present or reward for services rendered, or to be rendered, unless with the consent of the board of police, such consent to be given in writing and filed with the secretary; and any one of their number who shall receive any fee or reward in violation of this section shall thereby forfeit his office.

Tax for
expenses.

§ 17. The board of trustees of the village of West Troy shall raise by tax annually, at the same time and in the same manner that other village expenses are provided, all funds necessary to carry out the provisions of this act; and the chamberlain of said village shall pay the salary of the policemen monthly, as it shall become due, on the warrant of the board of police. The contingent expenses of the police establishment and for office furniture, fuel, light, stationery, printing, advertising, policemen's badges and batons, shall be paid by the chamberlain of said village upon the warrant of the board of police. All warrants of said board must be authorized by a vote of the board, and be signed by the president and secretary thereof.

Payment of
salaries and
expenses

Appropriation
of
moneys.

§ 18. All moneys in the hands of the chamberlain of the village of West Troy, which have been raised or provided for police purposes and unexpended when this act goes into effect, are hereby appropriated for the purposes provided by this act.

Accounts
to be kept.

§ 19. It shall be the duty of the chamberlain of the village of West Troy, for the time being, to keep an accurate account of

all moneys received or paid out by him, under and by virtue of this act, or for and on account of the police of the village of West Troy, and he shall not receive any additional compensation for any service required of him under this act.

§ 20. The board of police shall make such by-laws, not inconsistent with the laws of this State, as may be necessary for the government of the police force hereby established, for uniforming them, and for the maintenance of law and good order in said village; but no by-law concerning the enforcement of any ordinance of the said village shall take effect until after it shall be approved by the board of trustees of said village. Said board of police shall hold stated meetings on the first Tuesday of each month, and other meetings upon the call of the president or of any two members.

By-laws for
police
force

Meetings of
board.

§ 21. The board of police shall provide and keep in order a station-house, lockup and other necessary accommodations as shall be required for the use of said police force.

Station-
house, etc.

§ 22. The policemen who shall be in service in said village of West Troy at the time of the passage of this act shall continue in office until the first Tuesday in April, eighteen hundred and ninety-five, but no longer, unless they be appointed by the board of police herein provided to be created; and the commissioners of police who shall be in office in said village of West Troy at the time of the passage of this act, shall continue in office until and including the thirty-first day of March, eighteen hundred and ninety-five, at which time their terms of office shall expire.

Terms of
present
policemen.

§ 23. Chapter four hundred and ninety-six of the laws of eighteen hundred and seventy, entitled "An act to organize and establish a police for the village of West Troy," and the acts amendatory thereof are hereby repealed, and all acts and provisions of law which conflict with the provisions of this act are hereby repealed, so far as they relate to the village of West Troy, such repeals to take effect on the thirty-first day of March, eighteen hundred and ninety-five.

Repeal.

§ 24. This act shall take effect immediately.

Chap. 58.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," relating to the department of health.

Accepted by the city.

BECAME a law March 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation act amended.

Section 1. Chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York" is hereby amended by inserting a new section, to be known as section five hundred and forty-a:

Filling in of lands with certain material prohibited.

§ 540a. It shall not be lawful for any person or persons, incorporated or unincorporated, to fill in any lands under or above water, within the limits of the city and county of New York, or on any of the islands situated within said limits and under the jurisdiction of said city and county, with garbage, dead animals, or any portions thereof, decaying matter, or any offensive and unwholesome material, or with dirt, ashes or other refuse, when mixed with such garbage, dead animals, or portions thereof, decaying matter, or offensive and unwholesome material. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both. The board of health is hereby empowered to institute prosecutions and suits for penalties for the violation of the provisions of this act in the name of the mayor, aldermen and commonalty of the city of New York. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Penalty for violation.

Repeal.

§ 2. This act shall take effect immediately.

Chap. 60.

AN ACT to amend chapter ninety-nine of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled 'An act to incorporate the village of Mohawk, and the acts amendatory thereof.'"

BECAME a law March 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter ninety-nine of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled 'An act to incorporate the village of Mohawk, and the acts amendatory thereof,'" is hereby amended so as to read as follows:

§ 6. The board of trustees shall have power, and it shall be their duty, at their first meeting under this act as hereby amended, to appoint from the electors residing within said village, a clerk, who shall be allowed and paid such reasonable compensation as the board of trustees shall determine, not to exceed one hundred dollars per year, or at that ratio for the term he shall serve, and to remove such clerk at their pleasure. And it shall be the duty of such clerk to keep in a book of records to be provided by said trustees, accurate and correct minutes of the proceedings of said board of trustees, and to keep and preserve the books, records and papers of said village, to file papers delivered to him by the trustees for that purpose, or papers required by law to be filed in said village, and to attend the meetings of the inhabitants of said village duly called, and to keep minutes of the proceedings of such meetings; to attend all elections held within said village, and to keep a poll-list of the names of all persons voting at such elections, and to perform such other duties as the board of trustees may require; and upon being paid or tendered a fee at the rate of six cents per folio, he shall furnish a certified copy of any paper or record duly filed or entered in his office. In case of the absence, at any time, of the clerk, some suitable person shall be appointed by the board of trustees, temporarily, to perform the duties of the office. Such clerk shall

Police constable.

immediately turn over and deliver to his successor all books, papers or documents in his possession or under his control, which had been received by him as such clerk. And said board of trustees shall have power, and it shall be their duty at such meeting, to appoint a police constable for said village, by an appointment in writing, signed by a majority of said board, which appointment shall be filed by said clerk; and they may allow and pay such police constable such amount as they may deem reasonable, in addition to the fees he may receive as hereinafter stated, not to exceed five hundred dollars per year; and they shall have power in cases of unusual gatherings or special necessity in said village to appoint, temporarily, special police constables, not to exceed four at any one time, and to pay them such compensation as they deem reasonable, not to exceed three dollars per day, and not to exceed two days at any one time.

Special police constables.

§ 2. This act shall take effect immediately.

Chap. 62.

AN ACT to amend chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for nonpayment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county," and acts amendatory thereof.

BECAME a law March 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section seven of chapter one hundred and thirty-five of the laws of eighteen hundred and seventy-three, entitled "An act to establish a receiver of taxes, and to authorize the sale of lands for nonpayment of taxes, and for the collection of unpaid taxes in the town of Jamaica, Queens county," is hereby amended so as to read as follows:

Receiving taxes, times for, etc.

§ 7. It shall be the duty of the said receiver of taxes and assessments to be in attendance at his office, to receive such taxes or assessments and give proper receipts therefor, during the first thirty days from the time of giving the above-mentioned notice on every day, Sundays and holidays excepted, from nine

o'clock a. m., to four o'clock p. m., and thereafter during every week, on not less than two days, for at least six hours each day, such days and times to be stated in the above mentioned notice. He shall also use due diligence and faithfully serve within sixty days after the expiration of the first thirty days, a written or printed notice, by mail or otherwise, on every person whose taxes or assessments shall then remain unpaid, specifying the amount of the tax and the extra percentage and interest to be added; and he shall be entitled to add twenty-five cents for every such notice to the tax of any person paying such tax to him after such notice.

Notice of unpaid taxes.

§ 2. This act shall take effect immediately.

Chap. 63.

AN ACT relating to the office and defining the duties of the special county judge of Monroe county.

BECAME a law March 2, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The county judge of Monroe county, whenever in his opinion the business of the county court of said county shall so require, may designate a term of the said county court, with or without a jury, to be presided over by the special county judge of said county, and may order any cause or proceeding pending in said county court to be heard before the said special county judge; and said special county judge shall thereupon have the same jurisdiction and powers as the county judge for the purpose of presiding at such term and in such cause or proceeding; and for the purpose of the hearing and determination of such cause or proceeding, the county court may be held in two parts whenever the county judge shall so order.

Court term for special county judge, etc.

Jurisdiction and powers of special judge.

§ 2. Nothing in this act contained shall be construed so as to abridge in any manner the powers conferred upon the special county judge of said county by chapter three hundred and sixty-eight of the laws of eighteen hundred and sixty-four, entitled "An act to provide for the election of a special county judge in and for the county of Monroe," and the various acts amendatory thereof and supplemental thereto; but the present special county

Powers conferred not abridged.

judge of said county and his successors, who shall hereafter be elected pursuant to the provisions of said acts, shall continue to have and exercise all the powers conferred by said acts or otherwise, in addition to the powers herein conferred.

§ 3. This act shall take effect immediately.

Chap. 64.

AN ACT to authorize the city of Syracuse to use certain moneys, raised "for the construction or contribution to the cost of construction of a bridge and approaches over the tracks of the New York Central and Hudson river railroad, and Delaware, Lackawanna and Western railroad company and the Erie canal, where the same cross West Genesee street in said city," and for other purposes.

Accepted by the city.

BECAME a law March 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Use of
certain
moneys au-
thorized.

Section 1. The city of Syracuse is hereby authorized and empowered to appropriate and use for the purpose of paying the city's share of the cost of constructing a hoist or swing-bridge over the canal at West Genesee street, and for the construction of or contribution toward the cost of constructing the approaches to said bridge on both sides of the canal including a roadway beneath the tracks of the New York Central and Hudson river railroad company and the Delaware, Lackawanna and Western railroad company, or for either of such purposes, or for such other purpose as may be deemed necessary to remove and abolish the grade crossing of said railroads at said West Genesee street, the sum of ten thousand dollars authorized to be levied and raised for the construction or contribution to the cost of construction of a bridge and approaches over the tracks of said railroads and the Erie canal where the same cross West Genesee street in said city by section nineteen of chapter four hundred and seventy-five of the laws of eighteen hundred and eighty-nine. Any unexpended balance of said sum that may remain after the completion of said work to be added to and expended as a part of the contingent fund.

§ 2. This act shall take effect immediately.

Chap. 65.

AN AOT to amend chapter three hundred and twenty-one of the laws of eighteen hundred and fifty-three, entitled "An act to incorporate the Syracuse Home Association."

BECAME a law March 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and twenty-one of the laws of eighteen hundred and fifty-three, entitled "An act to incorporate the Syracuse Home Association," is hereby amended so as to read as follows: Charter amended.

§ 1. Mary A. Maltbie, Almira Hebbard, Lydia Wallace, Charlotte B. Dillaye, Sarah Maria Pratt, Agnes Dana, Ursula Fitch, Jenette Hudson, Emily M. Seymour, Harriet A. Dunlap, Sally Ann Noxen, Clara White, Charlotte Granger, Catherine Post, Mary Pierson, Cynthia Van Loon, Olivia M. Pinney, Mary A. Ashley, Isabella Woodward, Elizabeth Phillips, Jenimaette Farmer, Wilhelmina Wilkensen, Carolina C. Wynkoop, Catherine Graves, Edna S. Newell, Charlotte E. Alvord, Harriet Bennett, Harriet Mathews, Sarah White, Adeline S. Stevens, Mary E. Pope, Myranda Cater, and all such persons as are now members of the "Syracuse Home Association," and all who shall become members of the corporation hereby created, shall be and they are constituted a body corporate, by the name of "the Syracuse Home Association," whose object and business it shall be to establish a home, for aged and indigent females of good moral character where they may be cared for physically, socially and morally in the manner now provided by the present constitution of said corporation, or in such manner as may be provided in any amended constitution of said corporation, adopting such measures therefor as may be necessary and proper for the management of said corporation. Corporators. Corporate name and objects.

§ 2. Section two of said chapter, is hereby amended so as to read as follows:

§ 2. The said corporation may receive, take hold by purchase, gift or devise, any real or personal estate for the purpose contemplated by this act, provided, however, that the annual income shall not exceed forty thousand dollars. Real and personal estate.

§ 3. Section four of said act is hereby amended so as to read as follows:

Appoint-
ments.

§ 4. The board of managers shall have power to appoint such agents, matron or domestics, as shall be necessary, and to make all needful and proper regulations for their specific duties, and for those of all the inmates of the home.

Regula-
tions.

Repeal.

§ 4. Sections five and six of said act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 66.

AN ACT to amend chapter two hundred and fourteen of the laws of eighteen hundred and ninety-four, entitled "An act to authorize the trustees of the village of South Mount Vernon, in Westchester county, to issue certificates of indebtedness for unpaid taxes and assessments, and to legalize and confirm certificates of indebtedness heretofore issued by them, and to authorize the said village to purchase all sales of land for the payment of unpaid taxes or assessments in said village."

BECAME a law March 2, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter two hundred and fourteen of the laws of eighteen hundred and ninety-four, entitled "An act to authorize the trustees of the village of South Mount Vernon, in Westchester county, to issue certificates of indebtedness for unpaid taxes and assessments, and to legalize and confirm certificates of indebtedness heretofore issued by them, and to authorize the said village to purchase all sales of land for the payment of unpaid taxes or assessments in said village," is hereby amended to read as follows:

Issue of
certificates
of indebted-
ness.

§ 1. The board of trustees of said village of South Mount Vernon (now Wakefield), are hereby authorized to issue certificates of indebtedness of said village to raise money to meet deficiencies which may have arisen, or may arise, in the collection of taxes and assessments, or either, which may have been or may be assessed, levied or imposed in the said village, by or under the authority of the said board of trustees. Such

certificates shall be issued in such amounts as they may be authorized by said board of trustees, not in excess of the amount of taxes and assessments returned by the collector as unpaid, and shall bear interest at such rate not exceeding the legal rate per annum as such board may determine, payable semi-annually, and the principal of such certificates shall be payable at the expiration of five years, but shall be redeemable at any time previous thereto, after one year, when there is money in the treasury received from the collection of arrears of taxes and assessments sufficient for that purpose. Such certificates shall be signed by the president and clerk of the village and shall have the seal of the village affixed thereto, or impressed thereon. The clerk of the village shall cause every certificate of sale countersigned by him under this act, to be recorded in his office in a book to be provided for that purpose. For each certificate and for the recording thereof the said village clerk shall be entitled to the sum of fifty cents, to be paid by the purchaser, and for drawing and executing every certificate under this act, the president of the village shall be entitled to the sum of fifty cents, which shall be paid by the purchaser. A record shall be kept of the number and amount of all such certificates issued; and a statement of the amount issued, the amount paid or redeemed, and the amount outstanding shall be published annually in one of the newspapers printed in said village. When the amount of such certificates outstanding shall be equal to the amount of taxes and assessments returned as unpaid, the said board shall cause all moneys received for such unpaid taxes and assessments, and interest of the same, to be held exclusively for and applied to the payment of such certificates and the interest thereon. No such certificate shall be sold by the said trustees, or by any of the village officers for less than its par value; nor shall any brokerage or commission be paid or allowed by such village, or the officers thereof, for the sale of such certificates, or any of them.

Certificates
of sale.

Annual
statement.

Payment of
certificates
and
interest.

Sale of cer-
tificates.

Chap. 68.

AN ACT to provide for the further improvement of "Downing Park," in the city of Newburgh, in the county of Orange.

Accepted by the city.

BECAME a law March 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City may
borrow
money.

Section 1. The common council of the city of Newburgh are hereby authorized and empowered to borrow upon the credit of said city, in addition to the sum or sums heretofore borrowed upon the bonds of said city, issued under the provisions of chapter twenty-one of the laws of eighteen hundred and ninety-four, entitled "An act authorizing the city of Newburgh, in the county of Orange, to expend money in the improvement of 'Downing park,' in said city, and to borrow money and issue bonds in order to provide the means therefor;" the further sum of ten thousand dollars, and to cause the issue of additional bonds therefor, said additional bonds not to be issued to a greater amount than ten thousand dollars (exclusive of premiums), the same to be signed, sealed and countersigned by the mayor and city treasurer of the city of Newburgh, and to be made payable in twenty years from the date thereof. The common council shall provide for the payment of the interest upon said bonds, as the same may become due and payable by general tax upon the real and personal property in said city, subject to taxation. None of said bonds shall be sold at less than par, or bear interest at a rate exceeding four per cent. per annum. The proceeds of the sale of said bonds, together with all premiums received upon such sale, shall be paid into the city treasury, and placed to the credit of the "park improvement fund," and shall be expended under the direction of the board of park commissioners of the city of Newburgh, in such manner as they may designate, in the grading, draining, laying out and otherwise improving "Downing park," in said city, and in the general improvement of said "Downing park," and the property belonging thereto.

Issue of
additional
bonds.

Proceeds of
sale.

§ 2. This act shall take effect immediately.

Chap. 69.

AN ACT to amend chapter three hundred and twenty of the laws of eighteen hundred and eighty-seven, entitled "An act to provide for the location, acquisition, construction and improvement of additional public parks in the city of New York."

Accepted by the city.

BECAME a law March 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter three hundred and twenty of the laws of eighteen hundred and eighty-seven, entitled "An act to provide for the location, acquisition, construction and improvement of additional public parks in the city of New York," is hereby amended so as to read as follows: Act amended.

§ 10. For the payment of all expenses to be incurred, under the authority of this act, including the damages awarded and expenses incurred upon the acquisition of land and of estates and interests therein, and the construction of said parks, and the erection and furnishing of buildings therein, the comptroller of the city of New York shall issue, from time to time, bonds or stock of the mayor, aldermen and commonalty of the city of New York, to be payable from taxation and redeemable in not less than ten nor more than thirty years from the date of issue, in such amounts as shall be necessary to carry out the purposes of this act, and the mayor and comptroller are hereby authorized and directed to sign said bonds, and it shall be the duty of the clerk of the common council of said city to countersign the same and to affix thereto the seal of the said city. Said bonds shall bear interest at a rate to be fixed by the comptroller, not exceeding four percentum per annum, and shall not be disposed of at less than the par value thereof. But no contract shall be entered into or liability incurred for the construction of any of said parks, or for the erection of any building therein, until the plans for such construction or erection, and in the case of a building an estimate of the cost thereof, shall have been prepared by the department of public parks, and submitted to and approved by the board of estimate and apportionment of said city. But no more than the sum of one million of dollars shall be expended or authorized to be expended Issue of stocks or bonds.
Incurring of liability restricted.
Limitation.

Issue of
additional
bonds or
stocks.

in any one year under the provisions of this act; except that there may be issued in addition to said sum of one million of dollars in each year, such additional bonds or stocks as above mentioned, of the mayor, aldermen and commonalty of the city of New York, as may be necessary to pay the expenses of the construction, completion and acquisition of the land and of estates and interest therein, and of the construction of the parks hereinafter named and of the erection and furnishing of buildings therein, to wit: The park commonly called Mulberry Bend park, being a tract of land bounded by Mulberry, Park, Bayard and Baxter streets in the sixth ward of the city of New York; Saint John's park in the ninth ward in said city, and the park commonly called the East river extension park, being the land bounded on the west by Avenue B, on the north and east by the Harlem and East rivers, and on the south by East Eighty-sixth street, all in the city of New York.

§ 2. This act shall take effect immediately.

Chap. 71.

AN ACT to amend chapter three hundred and sixty-five of the laws of eighteen hundred and ninety-four, entitled "An act to provide for indexing and reindexing conveyances, mortgages and other instruments relating to lands and liens thereon in the county of Kings.

BECAME a law March 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended

Section 1. Section twenty of chapter three hundred and sixty-five of the laws of eighteen hundred and ninety-four, entitled "An act to provide for indexing and reindexing conveyances, mortgages and other instruments relating to lands and liens thereon in the county of Kings," is hereby amended so as to read as follows:

Appropriation
for
expenses.

§ 20. The said board of estimate is hereby authorized and directed, from time to time, to determine the amounts of money not herein otherwise provided for, which may be required to carry out the provisions of this act, until the first

day of January, eighteen hundred and ninety-six, and to appropriate said moneys therefor, and the county treasurer of Kings county is authorized to raise such money, from time to time, by the issue of bonds of said county, as hereinafter provided.

§ 2. This act shall take effect immediately.

Chap. 74.

AN ACT to amend chapter four hundred and forty-seven of the laws of eighteen hundred and ninety-two, entitled "An act to amend chapter three hundred and sixty-six of the laws of eighteen hundred and seventy-eight, entitled 'An act to incorporate the Brooklyn Church Society of the Methodist Episcopal Church.'"

BECAME a law March 5, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter four hundred and forty-seven of the laws of eighteen hundred and ninety-two, entitled "An act to amend chapter three hundred and sixty-six of the laws of eighteen hundred and seventy-eight, entitled 'An act to incorporate the Brooklyn Church Society of the Methodist Episcopal Church,'" is hereby amended so as to read as follows:

§ 5. The management of the affairs of said corporation shall be vested in a board of managers to be appointed and elected as provided by its constitution and by-laws, which board shall consist of the officers of the society, two members from each of the Methodist Episcopal churches in the city of Brooklyn to be elected annually by the quarterly conference of the pastors of said churches, of the presiding elders of the Methodist Episcopal church, whose districts may in whole or in part embrace the city of Brooklyn, or portions of that city, and of forty additional members to be elected by the board of managers from the membership at large of the Methodist Episcopal church in the city of Brooklyn and counties of Kings and Queens, divided in four classes of ten each, whose respective terms of office shall be one, two, three and four years, and until their successors respectively, shall be elected. The successors of the first class

Quorum.

to be elected in like manner for the full term of four years, and those of the other classes annually, thereafter, in the order in which their respective terms shall expire. Thirteen members of the board shall be a sufficient quorum for the transaction of business at any meeting of the said board.

§ 2. This act shall take effect immediately.

Chap. 75.

AN ACT to authorize and direct the charity foundation of the Protestant Episcopal church in the city of Buffalo, to set apart certain funds as a permanent trust fund and to restrict the use and investment thereof.

BECAME a law March 6, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Permanent trust funds

Section 1. The board of managers of the charity foundation of the Protestant Episcopal church in the city of Buffalo is hereby authorized to and shall set apart as a trust fund, the money and property now held and known as the permanent fund of said charity foundation, and all moneys and the proceeds of any property hereafter given, granted or bequeathed to it, excepting money or property bequeathed to it for the use and benefit or for the current expenses of said foundation, and excepting also all money or property granted, given or bequeathed to it for any specific purpose specified by the donors thereof, shall be added to said permanent trust fund and be made and become a part thereof. Such fund shall be designated as the permanent trust fund.

Principal and interest.

§ 2. The principal of such permanent trust fund and all additions hereafter made thereto, shall not be used by said charity foundation or by any of its officers for any purpose, but the income thereof, or so much as may be necessary, may be devoted to and used for the purposes of said charity foundation.

Investment of fund.

§ 3. The said permanent trust fund shall be invested in the following interest bearing securities: bonds of the United States of America, bonds of the state of New York, bonds of the city of Buffalo, bonds of the county of Erie, and bonds of individuals secured by first mortgages upon real estate situate in the state

of New York, secured to be paid by the bond accompanying the mortgage.

§ 4. Any manager or other officer of said foundation, who shall vote for or consent to the misapplication of said permanent trust fund or any part thereof, or any part of the income thereof, or the investment of any part thereof, except as hereinbefore provided, shall be guilty of a misdemeanor.

§ 5. This act shall take effect immediately.

Chap. 76.

AN ACT authorizing the city of Elmira to issue bonds for paving purposes.

Accepted by the city.

BECAME a law March 6, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Elmira, by its common council, shall have authority, and it shall be its duty, by resolution duly adopted, to cause registered or coupon bonds of said city in the sum of forty thousand dollars, to be known as pavement bonds, to be issued and sold. Such bonds shall be signed by the mayor and clerk, and sealed with the seal of said city. They shall be of a denomination or of denominations, and shall mature at such times as the said common council shall determine, and shall bear interest at a rate not exceeding four and one-half per cent. per annum, payable semi-annually. They shall be sold at not less than par value.

§ 2. The chamberlain of said city shall make and keep in his office a record of said bonds by number, date, amount, date or dates of maturity, and name of payee or names of payees, if registered. The moneys therefrom shall be paid to him and by him placed to the credit of an independent and exclusive fund to be known and designated as the bond pavement fund, and shall be used and expended by and under the direction of the board of public works for said city in paving such street or streets, or portions thereof, of the city in such manner and with such material as said board may determine. The said board before paving from such moneys any street, or portion thereof,

Con-
nections with
sewers, etc.
before
paving.

in which a sewer is constructed or a water or gas main is laid, shall make, after notice to and failure of the owner or owners of property adjacent thereto and not having the pipe connections hereinafter designated, so to do, pipe connections with said sewer, water or gas main or either thereof as the case requires, therefrom to the sidewalk side of the curbing, at such locations and of such size and dimensions as it may determine. The expense of any such connection must be paid to the chamberlain of the city by the property-owner, and may be sued for and recovered by an action at law in any court having jurisdiction of any action involving a like amount, in the name of the city of Elmira against the owner or owners of the property on account of which it is made. All sums so recovered and all sums paid prior to the expenditure of the entire of the said moneys shall be paid to the said chamberlain, and by him placed to the credit of said bond pavement fund.

Expense
thereof.

Cost of
paving, how
defrayed.

§ 3. A street railway company owning or operating a railway upon a street or the portion of a street paved from such moneys, shall pay to the chamberlain of the city the entire cost of paving between two parallel lines to be drawn one foot outside of each of the outside rails of its track or tracks, upon said street or portion thereof so paved. The owners of the property fronting or adjoining such street or the said portion thereof, shall pay to the said chamberlain two-thirds of the balance of the entire cost of the paving thereof, apart from the cost of paving the intersections thereof, with other streets. The owners of the property fronting or adjoining a street or the portion of a street paved from such moneys upon which a street railway is not owned or operated, shall pay to the said chamberlain two-thirds of the entire cost of the paving thereof, apart from the cost of paving the intersections thereof with other streets. Each property-owner shall pay proportionately to the frontage of his property upon the street, and the quantity of the pavement chargeable to his property shall be estimated from the curbing in front of said property to the center line of said street. The amount to be paid by a railway company, or the owner or owners of each property, shall be, as soon as practicable, determined, fixed and reported to the common council by the board of public works, and upon being so reported shall become, and at all times thereafter the amount remaining unpaid at any time shall remain and

Amount,
how fixed.

constitute a lien and charge and assessment upon its property or his or their said property. The amount or assessment so to be paid or remaining unpaid at any time, with the accumulated interest thereon as herein provided, may be at any time paid. Said amount or assessment if not paid as above provided, shall be paid in five equal succeeding annual installments; the first installment shall be paid during the fiscal year in which the improvement is made. At the expiration of sixty days after such assessment is made, interest at the rate of four per cent. per annum upon the sum unpaid shall be paid with each installment. Collection of any assessment or portion thereof remaining unpaid after it becomes due, may be made and enforced in the manner and by the means provided in section one hundred and fifty, of the charter of the city, being chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act to revise the charter of the city of Elmira."

Payment of
assess-
ments.

Collection,
how en-
forced.

§ 4. All moneys paid each year to the city chamberlain under the provisions of this act, shall, except as hereinbefore provided, be applied to the payment of the existing bonds of the city as they mature, and the mayor and common council in fixing and determining each year the sum necessary to be raised to pay interest upon the principal of said bonds falling due within such year, shall take into consideration such moneys.

Application
of moneys
paid.

§ 5. The city of Elmira is hereby authorized to raise by tax in addition to all other sums now authorized by law, whatever sums may be necessary to pay the interest on said bonds and the principal at the times of maturity.

Tax for
interest and
principal.

§ 6. This act shall take effect immediately.

Chap. 77.

AN ACT authorizing the city of Elmira to issue its bonds for constructing of bridges.

Accepted by the city.

BECAME a law March 6, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Elmira, by its common council, shall have authority, by resolution duly adopted, to cause registered or coupon bonds of said city, in a sum not exceeding one hun-

Issue of
new bridge
bonds.

Special
election for
submission
of question.

dred fifteen thousand dollars, to be known as new bridge bonds, to be issued and sold; provided, however, and the authority of the city to issue said bonds is upon the condition that a majority of the votes cast at the special election hereinafter provided, shall be for the issuing thereof. Immediately upon the passage of this act, the common council of said city shall, by a resolution, fix a day and a place for a special election at which the question whether said bonds shall be issued or not will be submitted to the qualified voters for their determination. A notice stating that such election for such purpose, at the time and place so fixed, will be held, and the qualifications of voters thereat, and the hours during which the polls will be open, shall be published once in each of the two weeks next preceding the day of said election in at least two of the daily newspapers of said city, to be designated by the common council.

Board of
inspectors.

The common council shall appoint three persons who shall take the constitutional oath of office and shall be a board of inspectors for the purposes of said election. The common council shall fill all vacancies in said board. Said board shall appoint from its members a chairman, who shall preside at such election, administer all oaths required, and have the powers and perform the duties usually incident to such office. The said board shall have the powers and perform the duties usually incident to boards of inspectors in so far as the fulfillment of the purposes and provisions hereof may require. The common council shall

Ballots.

cause ballots of the requisite number and form to be printed and accessible to voters at such election. Such ballots shall be alike in every respect, except as hereinafter provided. They shall have printed in the inside thereof the words "authorizing the city to issue bonds for new bridges," and in the margin and opposite thereto, the word "for" or the word "against." Every male

Qualifica-
tions of
voters.

resident of said city of the age of twenty-one years or over, whose name shall be in the last assessment-roll of said city, and upon whose property or upon whom, as the owner or possessor of property, a tax shall be assessed in and by said roll, and no other person or persons whatever shall be a qualified voter at said election. The chamberlain of said city shall make and have ready two complete and accurate copies, certified to be such by him, of the names of such male residents, arranged alphabetically, one of which shall be retained by the board of inspectors as a

Registry
list.

registry-list of voters, and the other of which shall be accessible to the voters. The polls shall be open at eight o'clock in the forenoon, and remain open until seven o'clock in the afternoon, when they shall be closed. Any person offering to vote may be challenged in relation to his right so to do by a qualified voter, and thereupon the chairman of the board of inspectors shall tender to him the following oath: "You do swear (or affirm) that you are a resident of the city of Elmira, and are of the age of twenty-one years or over, and that you have not voted at this election." If he take such oath and be named in said copies of the assessment-roll, his vote shall be received, and not otherwise. All the provisions of law for punishing false swearing and fraudulent voting at elections, so far as the same can be applied, shall be applicable to such election. The certificate of the board of inspectors of the canvass of the votes shall, at its completion, be forthwith, by the chairman, delivered to the clerk of the city, who shall return the same to the common council at their next meeting thereafter, and the result of said election as shown by said certificate shall be entered in the minutes thereof. If said certificate shows that the greater number of votes cast had the word "for" in the margin, the authority to the city to issue and sell said bonds shall, therefore, be effective. Such bonds shall be signed by the mayor and clerk, and sealed with the seal of said city. They shall be of a denomination or of denominations, and shall mature at such times, and bear such rate of interest, not exceeding four and one-half per cent., as the common council of said city shall determine. They shall be sold at not less than par value.

Conduct of election.

Certificate of result.

Issue of bonds upon favorable vote.

§ 2. The chamberlain of said city shall make and keep in his office, a record of said bonds by number, date, amount, date or dates of maturity, the name of payee or names of payees, if registered. The moneys therefrom shall be paid to him, and by him placed apart as an independent and exclusive fund, to be known as the new bridge fund.

Record of bonds.

§ 3. The moneys so realized from the sale of said bonds so to be issued shall be used under the direction of the common council of the said city of Elmira for the following purposes, and none other: First, for the construction and completion of a bridge over the Chemung river, to be built from the foot of Madison avenue, upon the north bank of said river, to the foot of

Application of proceeds.

Sly street upon the south bank of said river, which shall cost, when so completed, not to exceed the sum of fifty thousand dollars. Second, for the construction and completion of a bridge across the Chemung river, from the foot of Walnut street, upon the north bank of said river to a point approximately opposite upon the south bank of said river, which shall cost, when completed, not to exceed the sum of sixty thousand dollars. Third, for the construction of appropriate approaches to each of the said bridges, upon the completion of said bridges.

Unexpended balance.

§ 4. Any unexpended balance of the said moneys shall be applied to the payment of the bonds of said city.

Railroad tracks prohibited.

§ 5. A street surface railroad, or the track or tracks thereof shall not, at any time, be constructed or operated upon either of the said bridges.

Tax for interest and principal.

§ 6. The city of Elmira is authorized to raise, by tax, in addition to all other sums now authorized by law, whatever sums may be necessary to pay the interest on said bonds and the principal, at the times of maturity thereof.

§ 7. This act shall take effect immediately.

Chap. 81.

AN ACT to authorize the city of Binghamton to borrow money to meet temporary deficiencies in its current fund, and to issue its notes therefor.

Accepted by the city.

BECAME a law March 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

City may borrow money.

Section 1. The city of Binghamton is hereby authorized and empowered to borrow, upon the faith and credit of said city, such sums of money, not exceeding in the aggregate the sum of one hundred and one thousand thirty-six and eighty-five hundredths dollars, as may be necessary to supply any temporary deficiencies in its various current funds, caused by the closing of the National Broome County Bank, in which the funds of said city are on deposit.

§ 2. For the purpose of borrowing as aforesaid, the mayor and treasurer of said city shall, whenever and as often as the common council of said city shall direct, make the promissory notes of said city for such sum, not exceeding in the aggregate, one hundred and one thousand thirty-six and eighty-five hundredths dollars, for such length of time not exceeding three months, and at such rate of interest not exceeding six per cent., as may be deemed necessary to raise money to meet any temporary deficiencies in the various funds and departments of the city, and from time to time renew said notes or any part thereof, until the same can be paid in the manner hereinafter provided; but no greater sum shall be borrowed for or applied to the use of any fund or department of said city, than the amount now standing to the credit of such fund or department upon the books of said city.

Issue of
promissory
notes.

Renewals.

Limitation
of amount.

§ 3. All sums of money finally received or recovered by said city of Binghamton of said National Broome County Bank or of the sureties on its bonds given to said city, shall be devoted to the payment of said notes or the renewals thereof and to no other purpose, except that should said city not borrow the full sum hereby authorized to be borrowed, any excess received or recovered from said bank, or said sureties, shall be applied to the various funds and departments of said city to which they properly belong.

Payment of
notes from
sums re-
covered.

Application
of excess.

§ 4. In case said city shall not receive or recover from said bank, or said sureties, a sufficient amount to pay the moneys borrowed under the provisions of this act, then the said city shall add the amount of the deficiency to any succeeding annual city budget and collect the same in the same manner as other taxes for city purposes, and when so collected shall apply the same to the payment of such deficiency, and to no other purpose.

Tax for de-
ficiency.

§ 5. This act shall take effect immediately.

Chap. 85.

AN ACT to amend chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two, entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," and the several acts amendatory thereof, relating to money to be raised for school purposes.

Accepted by the city.

BECAME a law March 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Subdivision six of section seven, title six, of chapter three hundred and eighty-five of the laws of eighteen hundred and sixty-two, entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," as amended, is hereby further amended so as to read as follows:

Annual tax for school purposes.

6. The total amount so to be raised for the purposes specified in this section shall not exceed the sum of thirty-two thousand dollars in any one year, except as herein otherwise provided for. And the common council is authorized and directed to borrow, upon the promissory note of the city, in anticipation of the amount to be raised by tax as aforesaid, such sums as the board of education shall from time to time certify are required by it.

§ 2. This act shall take effect immediately.

Chap. 86.

AN ACT to authorize the town of Edwards, in the county of St. Lawrence, to acquire a site and construct a town hall in said town and issue bonds in payment therefor.

BECAME a law March 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Electors may vote money for town hall.

Section 1. The electors of the town of Edwards, in the county of Saint Lawrence, in the state of New York, may, at an annual town meeting or at any special town meeting of such town, to be called, held and conducted on or before the annual town

meeting in the year eighteen hundred and ninety-six in pursuance of the provisions of law for calling, holding and conducting special town meetings, for the purpose for which such special town meetings are authorized by law to be called and held, vote, by ballot, a sum not exceeding eight thousand dollars, for the purpose of constructing a town hall.

§ 2. The electors at such town meeting may also vote by ballot upon the proposition to acquire a suitable site upon which to erect such town hall, which site may be differently located than the one already owned by said town, and to vote a sum not exceeding one thousand dollars to pay therefor; and if the minutes of such town meeting filed with the town clerk of such town show a majority of the votes cast at such meeting to be in favor of such proposition, the town board of such town shall thereupon be authorized to acquire, in the name and behalf of such town, by purchase or condemnation, such lands as, in the judgment of said board, may be necessary and proper therefor. Acquisition of site.

§ 3. The town board of said town is hereby authorized to borrow upon the faith and credit of said town, the sum of nine thousand dollars, or such portion thereof as the electors may determine, to raise as provided in the last two sections, for the purposes therein expressed. For the money so borrowed the said town board is hereby authorized to issue bonds of said town, signed by the supervisor and the town clerk thereof, which bonds shall be of such denomination, and be payable at such times (not exceeding twenty years from the date thereof), as said board shall think proper, and they shall be disposed of at not less than par, and at the lowest obtainable interest, not exceeding five percentum per annum. Issue of bonds.

§ 4. The bonds so issued and negotiated shall be a valid indebtedness of such town, and shall be a town charge, and the amount payable by such town on account thereof each year shall be levied by the board of supervisors of Saint Lawrence county, at its annual meeting next preceding the date each of such payments shall be due upon such town, in the same manner as other town charges. Annual tax.

§ 5. The town board of said town is hereby authorized and directed to erect or cause to be erected upon the site acquired as provided under the second section of this act, or, in case the Erection of town hall.

electors are not in favor of acquiring a site as therein mentioned, upon the site now owned by said town, such town hall, and complete the same for the purpose provided in the first section of this act; which authority may be exercised by a committee, appointed by a majority of said board. The said town board is authorized and directed to receive and expend for such purposes the moneys so borrowed, as provided in sections one and two of this act.

§ 6. This act shall take effect immediately.

Chap. 88.

AN ACT to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to provide additional accommodations for the common schools in the city of New York," as amended and extended by chapter four hundred and ninety-four of the laws eighteen hundred and eighty-five, chapter four hundred and fifty-six of the laws of eighteen hundred and eighty-six, chapter one hundred and thirty-six of the laws of eighteen hundred and eighty-eight, chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-nine, chapter two hundred and sixty-four of the laws of eighteen hundred and ninety-one, chapter two hundred and eighty-two of the laws of eighteen hundred and ninety-three and chapter four hundred and fifty-nine of the laws of eighteen hundred and ninety-four.

Accepted by the city.

BECAME a law March 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Chapter four hundred and fifty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to provide additional accommodations for the common schools in the city of New York," as amended and extended by chapter four hundred and ninety-four of the laws of eighteen hundred and eighty-five, chapter four hundred and fifty-six of the laws of eighteen hundred and eighty-six, chapter one hundred and

thirty-six of the laws of eighteen hundred and eighty-eight, chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-nine, chapter two hundred and sixty-four of the laws of eighteen hundred and ninety-one, chapter two hundred and eighty-two of the laws of eighteen hundred and ninety-three, and chapter four hundred and fifty-nine of the laws of eighteen hundred and ninety-four, is hereby amended by adding thereto the following sections, which shall be known as sections twenty-five, twenty-six, twenty-seven and twenty-eight.

§ 25. The comptroller of the city of New York is authorized, upon the application of the board of education of said city, and upon the approval of a majority of the board of estimate and apportionment of said city, to issue, in addition to the bonds authorized to be issued under and in pursuance of the provisions of the foregoing sections of this act as so amended and extended, bonds in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, for a further amount, not exceeding five million dollars, par value, to be known as school-house bonds.

Issue of additional school-house bonds.

§ 26. Said further additional bonds shall be issued, from time to time, as they may be required by the said board of education, shall be payable from taxation and shall run for such term or terms of years as the said comptroller shall direct, but no longer than twenty years, and shall draw interest at not more than three and one-half per centum per annum.

Bonds, how issued.

When payable, etc.

§ 27. Whenever said further additional bonds shall be issued the comptroller of the city of New York shall invite proposals therefor, by public advertisement for not less than ten days, and shall award the same to the highest bidder, provided that no proposal or proposals for said bonds shall be accepted for less than the par value of the same; and said proposals shall be publicly opened by the comptroller in the presence of the commissioners of the sinking fund, or such of them as shall attend at the time and place specified in said advertisement. The said comptroller, with the approval of said commissioners, shall determine what, if any, part of said proposals shall be accepted, and upon the payment into the city treasury of the amounts due by the persons whose bids are accepted, respectively, certificates therefor shall be issued to them as authorized by law.

Proposals for bonds.

Opening and acceptance of same.

Issue of certificates.

Proceeds,
how ap-
plied.

§ 28. The proceeds of said further additional bonds, when received, shall forthwith be deemed appropriated for the purchase of new school sites, for the erection of new school buildings, for additions to school buildings already erected, and for fitting up and furnishing the same, for the use of the common schools of the said city of New York, as the board of education of said city shall determine, and shall be thereafter disbursed by the comptroller of the city of New York, in payment of the liabilities incurred by the said board of education for the purposes aforesaid, upon the requisition of said board, and in the same manner as other moneys appropriated for the maintenance of the common schools in said city are usually paid out, and no expenditure from said proceeds shall be authorized or made without the approval and requisition of the said board of education.

Disburse-
ments, how
made.

§ 2. This act shall take effect immediately.

Chap. 92.

AN ACT to amend chapter three hundred and thirty of the laws of eighteen hundred and eighty-three, entitled "An act to supply the city of Schenectady with water," relative to the Schenectady water-loan, and the several acts amendatory thereof.

Accepted by the city.

BECAME a law March 9, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Water act
amended.

Section 1. Section six of chapter three hundred and thirty of the laws of eighteen hundred and eighty-three, entitled "An act to supply the city of Schenectady with water," as amended by chapter one hundred and eighty-eight of the laws of eighteen hundred and ninety-one, and by chapter three hundred and ninety-seven of the laws of eighteen hundred and ninety-four, is hereby amended so as to read as follows:

Council to
raise
money.

§ 6. Upon the approval and adoption of any such plan, or of any such changes or alterations in any plan previously approved and adopted, it shall be the duty of the common council to raise

by loan from time to time a sum not exceeding in the whole four hundred and thirty-five thousand dollars by the creation of a public stock to be called the Schenectady water loan, and for that purpose may issue the bonds of said city in sums of one thousand dollars each, with interest payable semi-annually, at a rate not exceeding five per centum per annum, to be signed by the mayor and treasurer of said city, and to be made payable at such times within twenty years after their respective issues as the said common council shall direct, and the common council shall sell and dispose of such bonds, or any part thereof, at public auction or by sealed proposals, after giving at least three weeks previous public notice, and shall award the same to the highest bidders, but at not less than par and accrued interest.

Issue of
bonds.

Sale
thereof.

§ 2. This act shall take effect immediately.

Chap. 95.

AN ACT to repeal chapter seven hundred and seven of the laws of eighteen hundred and sixty-five, entitled "An act to fix the compensation of assessors in the several towns of Ulster county."

BECAME a law March 12, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter seven hundred and seven of the laws of eighteen hundred and sixty-five, entitled "An act to fix the compensation of assessors in the several towns of Ulster county," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 100.

AN ACT to amend section forty-eight of title fifteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, being an act, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," relating to repairing streets.

Accepted by the city.

BECAME a law March 18, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter-
amended.

Section 1. Section forty-eight of title fifteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," is hereby amended so as to read as follows:

Repairing
streets.

§ 48. The expense of repairing the streets of said city shall be a general city charge; and the commissioner of city works shall have exclusive power in relation to the repairing of streets, but in no one year shall such expense exceed the amounts raised for that purpose in the general tax levy, and otherwise appropriated by the common council, with the consent of the mayor, from unexpended balances of the previous year.

§ 2. This act shall take effect immediately.

Chap. 101.

AN ACT in relation to improvements in and about the Wallabout market property in the city of Brooklyn, and making an appropriation therefor.

Accepted by the city.

BECAME a law March 18, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Improve-
ment of
market
property.

Section 1. The commissioner of city works of the city of Brooklyn, is hereby authorized to expend not to exceed the sum of fifty thousand dollars in sewerage and otherwise improving

the Wallabout market property in the city of Brooklyn. To meet the cost of such improvements, the mayor and comptroller of said city are hereby authorized to issue city bonds to the amount aforesaid, payable at such times as they may determine, not to exceed, however, twenty years from the date of issue.

Issue of
city bonds.

§ 2. This act shall take effect immediately.

Chap. 103.

AN ACT to amend chapter six hundred and fifteen of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Oneonta Water Works Company."

BECAME a law March 13, 1885, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter six hundred and fifteen of the laws of eighteen hundred and seventy-four, as amended by chapter two hundred and sixty-four of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

Charter
amended.

§ 2. The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but may at any time be increased or decreased by a vote of the stockholders owning a majority of the stock of said company, at a meeting of the stockholders called for that purpose in the same manner as annual meetings of the company.

Capital
stock.

§ 2. Section eight of chapter six hundred and fifteen of the laws of eighteen hundred and seventy-four, as amended by chapter two hundred and sixty-four of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

§ 8. For the purpose of supplying the village and town of Oneonta, or any other adjoining town, with pure and wholesome water for extinguishing fire, for electric lighting, mechanical and other purposes, within said town and village or within any adjoining town, the said company may purchase, lease and hold any real estate and water rights needed for such purposes; and for the purpose of carrying this act into effect. It shall and may be lawful for

Purchase of
real estate
and water
rights.

Entry upon lands. the said company to pass through the lands of any person or persons, to dig up the same for the purpose of laying down conduit pipes or aqueducts or conductors, and to enter on said land at any time to examine, repair or replace the same, and said company shall have power to lay down pipes, conduits, aqueducts, erect and maintain hydrants or conductors in or upon any public square, street or highway or in any street laying open and used as a public highway, leaving the said highways, streets and public squares in the same condition as nearly as may be as before said entry; and it is further provided that in case of taking private property upon which there is water, either springs, ponds or streams of water, or diverting the same, or for the purpose of sinking wells, artesian or otherwise, to obtain a supply of water, constructing dams or reservoirs, or both, and any and all other purposes for which said private property may be needed for the purpose of this act, said company shall first purchase the same by agreement with the owner or owners thereof, or the parties in interest therein, but if such agreement can not be made on terms satisfactory to said company, then such company shall have all the rights, powers, privileges and duties in relation to the acquiring and holding lands, waters, easements, rights or any other real property necessary for its purposes by condemnation proceedings, and in pursuance of the laws in force, in regard to condemnation proceedings at the time such proceedings are instituted.

Right to lay pipes in streets, etc.

Agreement for purchase of property.

Condemnation proceedings.

§ 3. Section eleven as amended by chapter two hundred and and sixty-four of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

General powers and liabilities. § 11. The corporation hereby created shall possess the powers and be subject to the provisions of sections eight and nine of chapter five hundred and sixty-three of the laws of eighteen hundred and ninety, so far as the same are applicable, and not otherwise provided for in this act.

§ 4. Section fifteen of said act as amended by chapter thirty-two of the laws of eighteen hundred and ninety-four, is hereby amended so as to read as follows:

Willful injury to property, etc. § 15. Any person or persons who shall maliciously or willfully destroy, injure or deface any of the works or property of said company, or who shall maliciously or willfully do any act which shall injuriously affect or tend to affect the waters of said com-

pany, shall be guilty of a misdemeanor, and shall be punished by a fine or imprisonment, or by both fine and imprisonment in the discretion of the court, and shall also forfeit and pay to the company treble damages sustained thereby to be recovered in the name of the company in any court having cognizance thereof, with costs. It shall be presumptive evidence of willful or malicious intent for any person or persons to do or omit to do any act in or upon their own property, or property in their possession or under their control, affecting or tending to affect the water or water supply used by said company, that they or any of them shall be requested to do, or forbidden or requested not to do by the board of health, or health officer or physician, to or of any such board, or by the physician appointed or retained or acting for any such board of health, in any of the towns where the works or property of said company may be located, or from which a supply of water may be obtained for use or distribution by said company, or from or through which or any part of which said supply of water may run. And the said Oneonta Water Works Company is hereby authorized and permitted to remove any and all fish from its reservoirs and streams, on lands owned or controlled by said company at such times and in such manner as the officers thereof shall deem necessary and proper.

Presumptive evidence.

Removal of fish from reservoirs and streams.

§ 5. This act shall take effect immediately.

Chap. 108.

AN ACT to amend chapter four hundred and twenty-four of the laws of eighteen hundred and eighty-four, entitled "An act to incorporate the College of Pharmacy of the city of New York."

BECAME a law March 14, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and twenty-four of the laws of eighteen hundred and eighty-four is hereby amended so as to read as follows:

§ 1. The charter of the College of Pharmacy of the city of New York is hereby extended permanently as follows: Samuel W.

Act amended.

Charter extended

Corporate
name and
purposes.

Real and
personal
estate.

Fairchild, Charles F. Chandler, George Massey, John R. Caswell, J. Niven Hegeman, Horatio N. Fraser, and all such persons as are now members of an association in the city of New York, known as the College of Pharmacy, or shall hereafter become members of the same, are hereby constituted a corporation and body politic, in law and fact, by the name, style and title of "The College of Pharmacy of the city of New York," for the purpose of cultivating, improving and disseminating a knowledge of pharmacy, its collateral branches of science, and the best mode of preparing medicines and their compounds, and of giving instruction in the same by public lectures; it may take by devise or otherwise, and may hold, purchase, lease and convey, real and personal estate to an amount not exceeding in value one million of dollars, and may mortgage or sell its property, or any part thereof, by its bonds and mortgages and conveyances, to be executed under the common seal of the said corporation, and acknowledged by its president, and may divide its property into shares of stock, transferable as personal property. The said college may also hold such buildings and collections of books and of the productions of nature and art, as it may want for the purpose of instruction and the transaction of its business.

§ 2. Section three of said act is hereby amended so as to read as follows:

Officers.

§ 3. The officers of the college shall be a president, three vice-presidents, a treasurer, a secretary, an assistant secretary, and such others as may be deemed necessary, whose respective duties may be assigned by the by-laws, and who shall be elected at the stated meeting in March of each year; and any vacancy or vacancies that may occur may be supplied by a special election by the members of said college. There shall also be elected at the first stated meeting in March, after the passage of this act, a board of trustees, consisting of not less than nine members, and the officers of the college shall be ex-officio members of the board of trustees; and the said board of trustees, of whom not less than one-third shall constitute a quorum, shall conduct the ordinary affairs of the College of Pharmacy of the city of New York as they may deem fit and proper, and perform such duties as are or may be from time to time committed to them by said college.

Board of
trustees.

§ 3. Section five of said act is hereby amended so as to read as follows:

§ 5. The trustees shall have power to issue certificates of membership, to adopt rules and regulations for the examination of candidates, and to grant diplomas to those who have undergone a satisfactory examination by the trustees, assisted by the professors of the college. Students who have attended equivalent courses of instruction in any other regularly constituted college or school of pharmacy, may be entitled to graduate after attending as many courses of instruction in this college as shall make their total attendance equal to that required of those pursuing their entire course of instruction at this college.

Certificates of membership, rules, etc.

Certain students entitled to graduate.

§ 4. Section six of said act is hereby amended so as to read as follows:

§ 6. In addition to the degree of graduate in pharmacy conferred by the college since its incorporation, it is authorized from and after January first, eighteen hundred and ninety-six, to grant the degree of doctor of pharmacy to such persons as have produced satisfactory evidence of superior attainments in the profession of pharmacy, or have contributed by their labors and writings to the stock of professional knowledge in any of the branches of pharmaceutical science.

May confer degrees.

§ 5. This act shall take effect immediately.

Chap. 109.

AN ACT to amend chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act entitled 'An act to incorporate the village of White Plains,'" and the several acts amendatory thereof.

BECAME a LAW March 14, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title two of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine of the laws

village charter

of eighteen hundred and seventy-eight, is hereby amended so as to read as follows :

**Elective
and ap-
pointive
officers.**

§ 1. The elective officers of said village shall be a president, and two trustees in each ward. The president shall be elected by the legal voters of the village at large; the trustee in each ward shall be elected by the legal voters in such ward. The appointive officers shall be a clerk, a treasurer, a police justice, a collector of taxes and assessments, a superintendent of highways, a chief of police, and one or more police constables, who shall be appointed by the board of trustees, and such other officers as the board is hereinafter authorized to appoint. The present officers of the village shall hold their offices until their successors shall be duly elected or appointed and duly qualified.

§ 2. Section three of title two of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine of the laws of eighteen hundred and seventy-eight, and chapter three hundred and fifteen of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows :

**Qualifica-
tions of
officers.**

§ 3. All the officers of the village shall, while holding their respective offices, be residents and legal voters of said village, and the president, trustees, treasurer and collector shall be also freeholders in said village; and when any officer shall cease to be a resident, or a resident and freeholder of the village, as the case may be, his office shall become vacant. No person shall be eligible to the office of trustee in any ward, unless he be a resident of such ward; and whenever he shall cease to be a resident of the ward in which he was elected, his office shall become vacant.

§ 3. Section four of title two of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows :

**Annual
elections.**

§ 4. All elections for elective officers shall be held on the third Tuesday of December in each year, and the officers so elected shall hold office for two years, from the first day of January next after each election. The board of trustees shall appoint and provide the places of holding the elections, and

shall give notice of the time and place of holding the same, and of the officers then to be elected, by publishing such notice once a week for two successive weeks immediately prior to the election, in a newspaper published in the village, and by posting such notice in ten public places in each ward. Said election shall be held at the place designated in said notice, and the polls shall be open from twelve o'clock noon until seven o'clock in the evening of the day so designated. No place shall be designated for holding such election where spirituous liquors are accustomed to be sold. The inspectors of each ward, or a majority of them, shall preside at such election, and receive the votes of qualified electors, and immediately after the closing of the polls shall canvass the votes taken at such elections, and, without unnecessary delay, publicly declare the result, and shall also make and subscribe a certificate of such canvass, showing the whole number of votes given, the number given for each person voted for, and the office which he shall have been voted for, which certificate shall be filed within four days with the clerk of said village, who shall record the same in the record-book of said village, and deliver the original certificate to the board of trustees at its next meeting, which board shall thereupon, as soon as may be, make a statement of the whole number of votes given in each ward, the names of the candidates voted for, and the number of votes given to each, and shall then determine what persons have, by the greatest number of votes, been duly elected to each of the offices mentioned in said statement. All laws relating to general elections for State officers, as far as the same shall be applicable, shall be deemed to apply to all elections authorized by this act, and the inspectors of all elections under this act shall have the same power and authority, and shall proceed in all respects, as near as may be, as inspectors of election in towns. The said poll-clerk shall keep a list of the names of all persons voting at any election held in his ward, and shall file the same with the clerk of said village within four days after any such election.

Conduct of elections.

Statement of result.

General laws applicable.

Poll list.

§ 4. Section five of title two of chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven as amended by chapter one hundred and seventy-nine of laws of eighteen hundred and seventy-eight and chapter three hundred and fifteen,

laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Election of
president
and trust-
ees in 1895
and 1896.

Organisa-
tion of
board.

Appoint-
ments.

Pres'ident
pro tem.

Vacancies
in office.

Holding
over.

§ 5. At the election to be held on the third Tuesday of December, eighteen hundred and ninety-five, there shall be elected a president of the village for the term of two years, and there shall also be elected three trustees, one in each ward, to succeed the present trustees who were elected in May, eighteen hundred and ninety-three; and at the election to be held on the third Tuesday of December, eighteen hundred and ninety-six, there shall be elected three trustees, one in each ward, to succeed the present trustees who were elected in May, eighteen hundred and ninety-four; and annually thereafter there shall be elected three trustees, one in each ward, for the term of two years. The trustees shall meet at the usual place of meeting on the first Monday of January of each year, at eight o'clock in the evening, and form a board; they shall appoint a clerk, a treasurer, a collector of taxes and assessments, a superintendent of highways, and a police justice, a chief of police and not more than six police constables, who shall hold their offices until the first day of January then next ensuing, and until their successors shall be appointed and duly qualified. The board may also elect one of its number president pro tem, who shall be presiding officer during the temporary absence of the president from its meetings, and who shall act as president during the absence of the president from the village. But said president pro tem shall not have the power to sign or veto ordinances and resolutions of the board unless such absence shall continue for more than ten days. In case of a vacancy in any appointive office by reason of death, resignation or any other cause, the board of trustees shall, at its next meeting thereafter or as soon thereafter as may be, fill such vacancy by the appointment of a person qualified as aforesaid, who shall hold said office for the residue of the unexpired term. In case of a vacancy in any elective office the board shall appoint a person duly qualified to fill such vacancy until the next annual election, when such vacancy shall be filled by election for the remainder of the unexpired term only. Every officer shall hold his office until his successor is elected or appointed and shall have duly qualified.

§ 5. Section six of title two of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by

chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

§ 6. The president of the village shall be the chief executive officer thereof, and it shall be his duty to preside, when present, at all meetings of the board of trustees and special meetings of the inhabitants of the village; to call special meetings of the board whenever he shall think proper or when requested in writing to do so by any two of the trustees; to give the casting vote in case of a tie in said board; to sign all ordinances, resolutions, rules, regulations, bonds, licenses, appointment to office, deeds and contracts made by said board in behalf of the village; to see that all by-laws, rules, regulations and ordinances of the board are carried into effect and duly executed. To commence, prosecute or defend all suits in the name of the village that shall be ordered by said board; to pay to the village treasurer all moneys which shall come into his hands for the use of the village; to countersign all drafts on said treasurer; and to do all such other acts as usually appertain to the duties of an executive or presiding officer or which the board may legally require of him. The president shall have power to veto any ordinance or resolution passed by the board of trustees within ten days after the passage thereof. In case the president shall veto any ordinance or resolution of the board, or refuse to approve of the same within said time, the said ordinance or resolution shall not become operative unless reconsidered and again passed by said board by a two-thirds vote of the members elected thereto, whereupon the same shall be valid and effectual without the signature or approval of the president; provided, however, that the president shall not have authority to veto a resolution of the board relating to the election of a president pro tem of the board. The president shall receive no compensation for his services.

President,
his powers
and duties.

Vetoes.

Compensation.

§ 6. Section nine of title two of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven as amended by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, and chapter three hundred and fifteen, laws of eighteen hundred and ninety, is hereby amended by adding thereto as a part thereof the following:

§ 9. The police justice shall receive such salary as shall be fixed by the board of trustees, not to exceed the sum of five

Salary of
police
justice.

hundred dollars a year, which shall be in full for all services rendered to the village as such police justice.

Section
relative
to salary re-
pealed.

§ 7. Section eight of title three of said act as amended by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight and amended by chapter three hundred and fifteen, laws eighteen hundred and ninety, is hereby repealed.

Powers of
trustees.

§ 8. Subdivision eleven of section one, title three of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, and chapter three hundred and fifteen, laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Laying of
pipes, etc.,
in streets.

11. To authorize and regulate the laying of water, sewer and gas pipes and mains, and the manner of making connections with such pipes or mains in any of the streets, avenues and public places in said village; and when the board of health of the village shall certify to the board of trustees that it is for the benefit of the public health, that any person or corporation owning real property in the village should make connection with the sewer for the disposal of sewage from such property, the board of trustees shall serve a notice on such property owner to that effect and requiring such owner to make such connection within ten days after the service of such notice, and if said owner fails to make such connection within ten days, the board is empowered to enter, and authorize others to enter, in the day-time, such property and any buildings thereon and have such connection made, and the cost thereof shall be a charge against such owner and a lien on said property, and shall be assessed thereon by the board of trustees, and the same proceedings may be had for the collection of said costs and the enforcement of said lien and the sale of said property as in the case of an unpaid tax. All sewer connections shall be made in accordance with the regulations of the board of health of said village.

Sewer con-
nections.

§ 9. Subdivision sixteen of said section is hereby amended so as to read as follows:

Cemeteries.

16. To prohibit the use of any lands within said village for burial or cemetery purposes except the land now owned by the White Plains Rural Cemetery Association and land adjacent thereto, which may hereafter be acquired by said association.

§ 10. Section one of title three, chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, is hereby amended by adding thereto, as a part thereof, the following subdivisions:

17. To cause such streets or portions of streets as may be ^{Street sprinkling.} designated by the board, to be sprinkled with water and kept free from dust, upon receiving a petition therefor from a majority of the owners of real property fronting on such street or portion thereof, the expense whereof shall be a charge upon the adjoining property in proportion to its frontage on such street, and shall be assessed thereon by the board and collected in the same manner as all other assessments and taxes are collected.

18. To prohibit the erection of any buildings, cornices, roofs ^{Fire limits.} or outside walls of any buildings of wood or other combustible material within such districts as the board shall designate by ordinance and to make such regulations with regard to such districts as a proper security against fire shall, in the judgment of the board, require and to fix a penalty not exceeding one thousand dollars, for a violation of any ordinance passed in relation thereto.

19. To regulate and control the erection of poles and the hang- ^{Telegraph, etc., poles and wires.} ing of wires in the streets of said village for telegraph, telephone, electric lights, electric cars or other purposes. No such poles or wires shall be placed upon or over any street or avenue without the consent of the board of trustees and without its approval as to the character, quality and location of such poles and wires; and to prohibit the cutting of trees in the streets of said village.

20. To fix and determine the front line of the buildings along ^{Front line of buildings, etc.} any street, and to prohibit and regulate any building, cornice, window, porch or other projection in front of the line so fixed and determined.

§ 11. Section two of title three, chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight and chapter three hundred and fifteen, laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 2. The board of trustees shall appoint a force of police off- ^{Police officers.} cers to consist of a chief of police and not more than six police

constables who shall be under the direction of the president. The board shall prescribe the duties of such police officers and fix their compensation; the compensation shall not exceed nine hundred dollars annually for the chief of police, and six hundred dollars annually for each of the other police officers. The said police officers shall not be paid or entitled to receive any other fees or compensation for any arrest or other service rendered in or for said village. The said police officers are hereby empowered to serve and execute any criminal process and perform such other duties as pertain to the office of constable of a town in the county of Westchester, with the same force and effect as if performed by such constable. Such police officer shall have exclusive jurisdiction within the limits of the village to execute all criminal process and all process, other than in civil actions and proceedings, and all process issued by the police justice under section nine of title two of this act; and the constables elected in the towns within such village is situated shall not have any jurisdiction or authority to arrest in cases of vagrancy or to execute criminal process or any process other than in civil actions and proceedings within the limits of the village. The board of trustees shall, in case of the sickness, absence from the village, disability or inability of the chief of police, designate one of the police constables to perform the duties of said office during the time such sickness, absence, disability or inability shall continue, and such person shall have the same powers and authority and be subject to the same liabilities as said chief of police, and in case he shall perform any of the duties of said chief of police he shall be allowed therefor such fees or compensation as the board of trustees shall fix and determine and the amount thereof, when audited and paid shall be deducted from the salary of said chief of police. Such designation may be revoked and a redesignation made at any time. The said board is also hereby authorized and empowered, on the application, in writing, of any person residing in, or corporation, bank, banking institution, or cemetery association, located and doing business in said village, to appoint one or more special police constables for such time as may be requested in said application, or said board shall determine upon, whose duty it shall be to perform the duties of patrolman and watchman in, around and over

Powers and duties.

Designation of police constable to act as chief of police.

Special police constables for banks, etc.

the property and place of business of such person, corporation, bank, banking institution or cemetery association, and to prevent the property aforesaid from being stolen, injured or otherwise unlawfully interfered with by any person or persons, and said special police constable or police constables, while in actual service, shall have the same powers to arrest without process as are conferred upon the police constables by this act, and shall be entitled to such compensation for the time he or they shall be in actual service as the said board shall determine upon at the time of making the appointment, such compensation to be paid by the person, corporation, bank, banking institution or cemetery association applying for the appointment of said special police constable or constables; and if such person, corporation, bank, banking institution or cemetery association shall refuse to pay such compensation to said police constable or constables, he or they are authorized to sue for and recover such compensation, with costs, from any such person, corporation, bank, banking institution or cemetery association. And whenever the said board shall have reason to apprehend a breach of peace, or shall deem it necessary for the preservation of the public peace or to quell and prevent any disturbances, riots and disorderly and unlawful assemblages and meetings in said village, the said board is hereby authorized and empowered to appoint as many special police constables as said board shall deem necessary for such time as said board shall determine upon, who, while in actual service, shall have and possess the same powers to arrest, with or without process, as are conferred upon the police constable by this act, and who shall receive such compensation while in actual service as said board shall prescribe, such compensation to be paid by said village.

Compensation.

Special police constables to quell riots, etc.

§ 12. Section five of title three of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, is hereby amended so as to read as follows:

Powers of trustees.

§ 5. The board of trustees shall prescribe the duties of all officers appointed by it, subject to the provisions of this act.

Duties of officers.

The board may remove from office any officer either elective or appointive, for official malfeasance or nonfeasance, or other lawful cause, by a two-thirds vote of its members, after having

Removals for cause.

given him notice of and an opportunity to be heard on the charges preferred against him, which notice and charges must be in writing. A trustee under charges shall not have any vote in the board in respect to any action taken upon such charges.

§ 13. Section nine of title three, chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and ninety-three, laws of eighteen hundred and eighty-four, and as amended by chapter three hundred and seventy-eight, laws of eighteen hundred and eighty-six, and chapter three hundred and fifteen, laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Contracts
for water
supply.

§ 9. The board of trustees is authorized to enter into a contract with any water company formed or organized under any of the laws of this State for the purpose of supplying the village with pure water for hydrants and other village purposes, but said contract shall not be for a longer period at any one time than five years, nor for a greater amount than at the rate of five thousand dollars a year.

§ 14. Section one of title four of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three, and by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, and chapter four hundred and ninety-three, laws of eighteen hundred and eighty-four, and chapter three hundred and fifteen, laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Annual tax
without
vote.

§ 1. The board of trustees is authorized and empowered, without any vote of the taxable inhabitants of said village, to raise every year by tax, to be assessed upon the estate and property, real and personal, within said village and to be collected from the several owners and occupants thereof, the following sums for the following purposes, namely:

For pur-
chase of
property
and village
expenses.

1. For the purchase of any real estate or personal property for the use of said village or for the hiring of suitable rooms for the use of said village and to defray the ordinary necessary or contingent expenses of the village, an amount not exceeding three thousand dollars.

2. For making, working, repairing and improving roads and ^{Highways and bridges.} bridges and for laying and maintaining cross-walks, a sum not exceeding fifteen thousand dollars in any one year; which amount shall be denominated the highway tax or fund, and when raised five thousand dollars, or so much thereof as may be necessary, shall be devoted exclusively to the working, maintenance and repair of roads, avenues, streets, lanes, cross-walks and bridges of the village, and the balance of the sum so raised shall be devoted to permanent improvements of such roads, avenues, streets, lanes, cross-walks and bridges and to no other purpose whatsoever; and the treasurer shall keep such sums as separate and distinct funds.

3. For lighting the streets as hereinafter provided, such sums ^{Lighting streets.} as the board may deem to be necessary.

4. For the payment of any judgment which may hereafter be ^{Judgments,} recovered against said village, such sum as may be necessary to discharge the same.

5. For supplying the village with pure water, for rental and ^{Water supply.} use of fire hydrants and the use of water for other village purposes, a sum not exceeding five thousand dollars.

6. For the payment of the expenses of maintaining the fire ^{Fire department.} department and fire alarm system, an amount not to exceed one thousand dollars.

7. For the salaries of police officers, an amount not to exceed ^{Salaries.} four thousand five hundred dollars.

8. For the salary of police justice, an amount not to exceed five hundred dollars.

9. For the salary of village clerk, an amount not to exceed four hundred dollars.

10. For the salary of village treasurer, an amount not to exceed two hundred and fifty dollars.

11. For the salary of superintendent of highways, an amount not exceeding three hundred dollars.

12. For clearing crosswalks and the removal and disposal of ^{Cleaning sidewalks and removal of garbage, etc.} ashes and garbage, an amount not exceeding two thousand dollars.

§ 15. Section seven of title four of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

§ 7. After the collector shall have returned his warrant the ^{Penalty and interest on "paid taxes."} board shall add to all taxes returned unpaid a penalty of five

per cent. on the amount thereof, and such taxes and penalty shall draw interest from the date of said return at the rate of six per cent. per annum.

§ 16. Section nine of title four of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter three hundred and ninety, laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

Contracts
for disposal
of sewage
matter.

§ 9. The board of trustees is hereby authorized and empowered to enter into a contract or contracts with any corporation or corporations, or any town or county officer, officers or board of officers, owning, using or occupying or having the control, management or supervision of any land, tenements, or building or buildings of any kind within the limits of the village of White Plains, and exempt from taxation, for the removal of the sewer matter from any such lands or other premises as the case may be, and the care and disposal of the same for a compensation therefor, to be paid in such sum or sums and at such time or times and in such manner as may be agreed to by said board of trustees. No such contract shall at any time extend beyond a period of five years.

§ 17. Section one, title five of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter six hundred and ninety-three, laws of eighteen hundred and seventy, and chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, and chapter four hundred and ninety-three, laws of eighteen hundred and eighty-four, is hereby amended so as to read as follows:

Separate
road dis-
trict

§ 1. The said village is hereby declared a separate road district, exempt from the superintendence and control of the commissioners of highway of the towns of White Plains and Greenburg, and the board of trustees shall possess all the powers within the limits of said village given by law to commissioners of highways of such towns, and the charges and expenses of making, working, repairing and improving all roads declared public highways in said village and of making, altering, repairing and improving bridges upon or over said roads, shall be raised by tax upon the taxable inhabitants and property of said village as provided in section one of title four of this act; and said board shall be under the same obligation to keep said roads and bridges in repair and be subject to the same liabilities in respect thereto

Powers and
obligations
of trustees.

as commissioners of highways. No resident of said village shall be entitled to vote at any town meeting for the office of commissioner of highways or on any proposition for raising money by tax for the construction or repair of roads and bridges in either of said towns, located outside of said village. All property within said village shall be hereafter exempt from any taxation or assessment for opening, laying out, maintaining, erecting or repairing any highways, roads or bridges in either of said towns, which are located outside of said village.

Residents not to vote for town commissioners, etc.

Exemption from town highway tax.

1. All the work and improvements done and bestowed upon any of the streets, highways, bridges, sewers and drains in said village shall be under the supervision and superintendence of the superintendent of highways; and it shall be his duty to see that the streets, sidewalks, crosswalks, bridges, drains and sewers are kept clean and in good repair, to see that the contracts made by the trustees for work on highways, sidewalks, crosswalks, bridges, sewers and drains are carried into effect; and to perform such other services in respect to such highways, sidewalks, crosswalks, bridges, sewers and drains as the board shall prescribe. The compensation of the superintendent of highways shall not exceed three hundred dollars a year.

Superintendent of highways

2. All the work and improvements done on any of the highways, crosswalks, bridges, drains and sewers shall be let out by the board of trustees by contract to the lowest responsible bidder, for a term not exceeding two years; and for the purpose of such contracts the board shall divide the highways, bridges, sewers and drains into separate districts. No payments shall be made on account of any such contracts except on the certificate of the said superintendent that the work has been satisfactorily performed in accordance with the contract, and ten per cent. of the amount payable by such contracts shall be retained by the board until the first day of the following January and all such contracts shall expire on the first day of January.

Contracts for work and improvements.

§ 18. Section four of title five of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven as amended by chapter eight hundred and five laws of eighteen hundred and seventy-one is hereby amended so as to read as follows:

§ 4. Whenever a petition for opening, extending, straightening or widening any street or avenue in said village signed by

Petition for opening streets, etc.

Notice of
application.

District of
assessment.

Hearing of
parties
interested.

Application
for com-
missioners
of estimate,
etc.

Appoint-
ment of
commissioners.

the property owners on said street or avenue representing forty per cent. of the frontage of the property on said street or avenue as opened and as proposed to be opened, shall be presented to the board of trustees of said village, said trustees shall cause a notice to be published in one of the village newspapers that such application has been made, and of the time (which shall not be less than ten days after the first publication of such notice) when they will proceed on such petition, which notice shall be published at least once in each week for two weeks successively in a newspaper published in said village. Before giving notice of the pending of such application the board of trustees shall fix the limit or district of assessment beyond which the assessment shall not extend, and a description of such limit or district shall be inserted in and form a part of such notice. The said board of trustees shall meet at the time and place designated in said notice, and shall hear all parties interested in said improvement coming before said board for or against said application, and may adjourn such hearing from time to time, and if the said board shall deem the application proper, it may review or alter the limit or district of assessment (but not increase the same), and may, on the day specified in said notice, or as soon thereafter as may be, at a regularly adjourned meeting of the board, by a resolution adopted by a majority of the trustees and entered upon the minutes of the board, decide to allow such improvement to be made. If the board of trustees shall deem it proper to permit such improvements to be made they shall cause application to be made to the county court of the county of Westchester, or to the supreme court, at a special term held in the judicial district or department in which said county shall then be situated, for the appointment of three persons as commissioners, to estimate the expense of said improvement and the damages sustained by the owners, lessees or occupant of any land taken for such improvement and to assess the amount of such damages and the expenses of such improvement on the property within said assessment district. Notice of such application shall be published in one or more of the village newspapers, once in each week, for two weeks successively, before the day on which such application is so made. The said court upon such application and after hearing all persons interested therein desiring to be heard shall appoint

three disinterested and competent freeholders as such commissioners. The said court may also appoint another or others to act in place of any one or more of such commissioners who may die, decline serving, be, or become interested in the improvement, or for any cause whatever may be disabled from serving, without notice, upon application of said board of trustees.

§ 19. Section six of title five, chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows:

§ 6. The said commissioners shall be sworn before some officer authorized to administer oaths, faithfully and impartially to perform all the duties which shall devolve upon them by virtue of said appointment and shall then proceed with all reasonable diligence to estimate the damages sustained by reason of the taking of the land for the purpose of said improvement and they shall view the premises and for that purpose shall have power to enter upon and examine the same. They shall also make a just and equitable assessment of the expenses for the payment of said damages among and upon all the owners of the lands within said assessment district; they shall hear the proofs and allegations of the parties interested; shall have power to administer oaths and to adjourn from time to time as they may deem proper.

Duties of
commissioners.

§ 20. Section thirteen of title five, chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, as amended by chapter six hundred and ninety-three of the laws of eighteen hundred and seventy, is hereby amended so as to read as follows:

§ 13. After the report of the commissioners shall be confirmed the said report shall be delivered to the trustees of said village, who shall thereupon be authorized to cause such improvements to be made. At any time within the space of thirty days next after the confirmation of the said report, any person from whom any assessment contained therein may be due, may pay the amount thereof, without any additional expense for collecting, to the treasurer of the village. On the expiration of thirty days from the confirmation of said report by the court, the trustees shall deliver the said report, or a copy thereof, duly certified by the clerk of said village, and attach thereto a warrant signed by a majority of said trustees,

Trustees
may make
improvements.

Payment
of assessments.

Collection
of unpaid
assessments.

or by the president, commanding said collector to collect from the several persons named in the said report, the several sums assessed against such persons respectively, in said report then remaining unpaid, together with such fees or compensation for his services as the trustees, by a by-law, shall have provided, not exceeding five per cent. on the amount collected, and to pay the same, from time to time, when collected, to the treasurer of said village, after deducting the aforesaid fees for making such collections. Such warrant shall be made returnable thirty days from the receipt thereof by said collector, but may be renewed and extended by an indorsement thereon, signed by a majority of said trustees, or by the president, for a period not exceeding thirty days. The said collector, on receiving said report and warrant, shall proceed to collect the assessments therein mentioned remaining unpaid, in the same manner as provided by section three of title four of this act for the collection of taxes. The collector shall, upon the expiration of one month from the receipt by him of a warrant for the collection of any assessment made under this title, report to the board of trustees the amount of each assessment received by him under such warrant within each month, and the amount of such assessment remaining unpaid, and the said board shall thereupon issue bonds of the village, to be known as assessment bonds, to the amount of such assessments remaining unpaid. Such bonds shall be signed by the president of the board and the clerk, and shall have the seal of the village attached thereto, and shall be of such denomination, bear such interest, not exceeding six per centum per annum, and mature at such times, not exceeding five years from their date, as the said board of trustees may fix and determine. The said board of trustees may convert such bonds into money, at not less than their par value, and the proceeds thereof shall be applied only for the purpose for which the assessment, so reported unpaid, was laid, and all moneys received from such assessment, or from the sales of the land for the non-payment of such assessments, after the issue of such bonds, shall be held and used exclusively for the payment of such bonds and the interest thereon, until the same are all paid and all surplus collected, if any, shall be applied to the purposes named in section one of title four of this act. In case the entire receipts

Collector's fees.

Renewal of warrant.

Powers of collector.

Issue of assessment bonds.

Payment of bonds and interest.

for such assessments or sales of land for non-payment thereof as herein provided, shall in any year not be sufficient to pay the interest for that year on the bonds hereinbefore authorized to be issued; or in case in any year when any of the principal of the loan secured by said bonds falls due, the amount of such receipts, together with the sum in the treasury of the village applicable thereof, shall not be sufficient to pay said principal, and also the said interest falling due that year, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected, in addition to other taxes, on and from the taxable property of said village, at the same time and in the same manner as the other taxes of said village are assessed, levied and collected, and the amount so raised shall be applied to the payment of said interest or principal, or both, or the deficiency thereof not otherwise provided for.

§ 21. Section fourteen of title five, chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, is hereby amended so as to read as follows :

§ 14. Within six months after the report of the commissioners shall be confirmed, the treasurer shall pay to the persons (or to the attorneys or legal representatives of such persons), to whom damages may have been awarded in such report, the amount of such damages, without any deduction therefrom by way of fee or commission.

§ 22. Section thirty-six of title five, chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter four hundred and nine, laws of eighteen hundred and seventy-three, of said act, is hereby amended so as to read as follows :

§ 36. If the board of trustees shall decide not to allow such improvement to be made, as provided in this title, the person or persons who shall have signed the petition for any such improvement shall be jointly and severally liable to pay the said village all the expenses incurred for the publication of the notices mentioned in sections four, twenty-five and twenty-six of this title.

§ 23. Title six of chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, is hereby amended by adding thereto as a part thereof, to be known as section five, the following:

Fire patrol.

§ 5. The trustees are hereby authorized and empowered to organize and maintain in the fire department a corps or body to be known as the fire patrol, which corps or body shall not exceed twenty members. Said fire patrol, when organized, shall have power to elect a captain, first sergeant, second sergeant, secretary and treasurer and such other officers as the trustees may authorize, select members to fill vacancies, make and adopt by-laws for their government and discipline and impose fines and forfeiture for the violation of the same. The expulsion, nomination or rejection of members shall be subject to the approval of the trustees. The trustees shall also have power to appoint members of said fire patrol police constables of said village, and when on duty they shall have the same powers as police constables appointed by the trustees under the provisions of this act. They shall also have the same rights and privileges as members of the fire department of said village. The said trustees may also provide suitable rooms for said fire patrol, and provide necessary badges for its members. The said members shall perform such duties, and have such powers and rights and be subject to such penalties as are now or may hereafter be prescribed or ordained in the by-laws and ordinances of said village.

Powers and duties.

§ 24. Section twelve, title seven, chapter five hundred and eighteen, laws of eighteen hundred and sixty-seven, as amended by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, and chapter three hundred and fifteen, laws of eighteen hundred and ninety, is hereby amended so as to add to it as a part thereof the following:

Proposals for street lighting.

§ 12. Eight months prior to the expiration of the existing contract for lighting the streets and of any such contract hereafter made, the board shall cause a notice to be published in one or more of the village newspapers for four successive weeks thereafter, and in such other manner as the board may direct, inviting bids or proposals for lighting the streets of the village with gas or electricity, or both, for a term to be fixed by the board not exceeding three years, setting forth the number of gas and electric lights required each night during said period and the candle power required of each, and requiring separate proposals for gas and electricity. Within thirty days after the opening of said proposals the board shall enter into contract with the persons or corporations making the lowest bids for gas and

Contracts.

electricity respectively, provided that each of such persons or corporations shall have first filed with the clerk of the board a bond with two sureties, or a surety company, in the penalty of ten thousand dollars, conditioned for the faithful performance of such contract, and approved by the board. If at the time of the passage of this act the board shall not have entered into any new contract for lighting the streets, they shall immediately advertise for proposals as above provided, notwithstanding there shall not be eight months remaining before the expiration of the present contract.

§ 25. This act shall take effect immediately.

Chap. 110.

AN ACT to devolve the powers and duties of the board of police and fire commissioners, of the board of light and water commissioners, and of the board of sewer commissioners of the village of Herkimer, upon a board to be known as the municipal commission of the village of Herkimer.

BECAME a law March 14, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. There shall be a municipal commission in the village of Herkimer, which shall consist of four commissioners. Within ten days after this act takes effect, the president of such village, with the advice and consent of a majority of the trustees of such village, shall appoint four persons to act as such commissioners, two of whom shall belong to the political party which, at the last general election cast the highest number of votes in the State, and two of whom shall belong to the political party which at such election, cast the next highest number of votes. The term of office of one of such commissioners shall expire on the thirty-first day of each March succeeding their appointment, and the commissioners shall determine by lot who shall hold each of such terms, respectively. On the last Monday of March in each year, the president of such village shall appoint a successor to the commissioner whose term is about to expire, and such appointee, if confirmed by a majority of the trustees, shall hold office for the term of four years commencing with the first day of April. If a vacancy shall occur, other than by expiration of term, in the

Appoint-
ment and
terms of
commis-
sioners.

Vacancies.

office of any such commissioner, the president shall appoint a person to fill such vacancy, who, on being confirmed by a majority of the trustees, shall hold office for the unexpired term. All appointments shall be so made that the commission shall always be equally divided politically. No such commissioner shall hold any other village office during his term.

Not to hold
other office.

Organiza-
tion of
board.

§ 2. Within five days after written notice by the clerk of said village of their appointment, which said clerk is required to give immediately thereon, the said four commissioners shall meet at the trustees' room in said village and determine by lot their several and respective terms of office as aforesaid, and thereupon shall organize themselves into a board to be known and designated as "the municipal commission of the village of Herkimer;" they shall choose a president of their body, appoint a clerk, whose duty it shall be to record the proceedings of the board in a book kept by it for that purpose. The said clerk shall hold his office at the pleasure of the board, and shall receive as compensation not exceeding the sum of five hundred dollars annually. The said board shall appoint a treasurer at an annual salary not to exceed one hundred dollars, and said board may employ such other persons as they may deem necessary to have charge of the works, property and operation of the several departments committed to the charge of said commission and board as herein provided to act during the pleasure of the board, and shall fix the amount and prescribe the form of bond, if any, to be given by said treasurer and other officers, and shall prescribe the duties to be performed by, and the compensation to be paid to each, and the commissioner, before assuming to act, shall take and file with the clerk of said village the constitutional oath of office.

Officers and
employees.

Oath of
commis-
sioners.

Removal of
commis-
sioners for
cause.

§ 3. Any commissioner may be removed from office by the president and trustees of said village upon satisfactory proof of official or other misconduct injurious to the public service, but no commissioner shall be removed except upon charges in writing made to said president and board of trustees and service of a copy of such charges upon the accused commissioner, and reasonable opportunity given to appear and make his defense. A record of the resolution of removal and the grounds therefor must be entered in the proceedings of the board of trustees.

Offices
abolished.

§ 4. On the thirtieth day after this act takes effect, the offices of the police and fire commissioners, and of the light and water

commissioners of the village of Herkimer, are abolished, and the terms of office of the sewer commissioners of such village shall terminate. Thereafter the municipal commission of the village of Herkimer shall, in such village, so far as consistent with this act, possess all the powers and be subject to all the duties of the police and fire commissioners of such village under chapter four hundred and eighty-five of the laws of eighteen hundred and eighty-seven, of the light and water commissioners of such village under chapter fifty-eight of the laws of eighteen hundred and ninety-one, and of sewer commissioners of villages generally under chapter three hundred and seventy-five of the laws of eighteen hundred and ninety-nine, and the acts amendatory of such acts. The provisions of chapter three hundred and seventy-five of the laws of eighteen hundred and eighty-nine, or of the acts amendatory thereof, authorizing boards of trustees to act as sewer commissioners or to appoint sewer commissioners in villages shall not apply to the village of Herkimer.

Powers and
duties
trans-
ferred.

General
law not
applicable.

§ 5. The said several boards or commissions now existing mentioned in the fourth section of this act shall on or before the thirtieth day after this act takes effect transfer, deliver, and render into the possession of said municipal commission, all the books, papers, writings and all the property of every kind relating to, belonging to, or connected with the operation of the business and affairs of their several departments, in their possession or under their control, or by them acquired as such boards and the said municipal commissioners shall give receipts therefor signed by the president and secretary.

Delivery of
records and
property to
commis-
sion.

§ 6. The said municipal commission shall take possession of all the property belonging to or connected with, or appurtenant to the several departments of police and fire, light and water, and of the sewers of the village of Herkimer, or to which the corporation of the village of Herkimer is in any way entitled or which either of the said boards, mentioned in the fourth section have heretofore operated, managed and controlled, and said municipal commission shall operate, manage and control the said several departments of police and fire, light and water, and the sewers of said village as the said several boards heretofore vested with the management and control of said departments might have done under the existing statutes of this State.

Commis-
sion to take
possession
of prop-
erty.

Manage-
ment and
control of
depart-
ments.

§ 7. The treasurer appointed by the said municipal commission shall be removable at its pleasure; he shall be paid such

Treasurer.

compensation as the commission may prescribe, and shall make and deliver to the commission a bond for his accounting for all moneys received by him and for his faithful performance of his duties in such form as the commission may prescribe, with sureties and in such amount as it may require to be approved of by the commission, as to form and sufficiency of sureties and when so approved, the amount thereof and the names of the sureties shall be entered upon the minutes of the commission, and a copy, certified by the clerk of the commission, shall be filed with the treasurer of the village.

Existing
duties and
obligations
to be
observed.

§ 8. All the existing duties and obligations of the officers of the said village towards said former boards shall be observed by them towards the commission created by this act, and all the existing duties and obligations of the members and officers of said former boards shall be observed by said commission and its officers towards said village and its officers so far as is consistent with this act.

Not to re-
ceive com-
pensation
or have
interest in
contracts.

§ 9. The commission appointed by this act shall serve without compensation, and shall have no pecuniary interest in any contract or dealing with the said commission in any matter under its official management.

Reports of
superseded
boards.

§ 10. The said several boards, which are superseded by the commission provided for by this act shall on or before the thirtieth day after this act takes effect render to such municipal commission an itemized report and account in detail of all bonds issued, or obligations incurred by either of said boards, of all money received and the sources whence received by them or either of them, what the disposition thereof, the present state of all their accounts, the progress and condition of all work begun by such board and specially any obligations or debt therefor remaining unpaid.

Collection
of rents
and
moneys.

§ 11. The clerk of said commission shall collect all water rents and moneys due and owing to said commission and immediately turn all moneys so collected by him over to the treasurer of said municipal corporation; and no bill or account shall be paid by said secretary or treasurer until said bill has been duly audited and allowed by said commissioners and an order drawn on the treasurer for the same, signed by the president of said board.

Payment of
accounts.

§ 12. This act shall take effect immediately.

Chap. 112.

AN ACT to provide for repaving the roads, streets and avenues in the twenty-third and twenty-fourth wards in the city of New York.

Accepted by the city

BECAME a law March 14, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioner of street improvements of the twenty-third and twenty-fourth wards of the city of New York is hereby authorized to expend an additional sum not exceeding two hundred thousand dollars in repaving the roads, streets and avenues in the twenty-third and twenty-fourth wards of said city.

§ 2. For the payment of all expenses which may be incurred under the authority of this act, the comptroller of the city of New York shall issues* bonds of the mayor, aldermen and commonalty of the city of New York, to be payable from taxation and redeemable in not less than ten or more than thirty years from the date of issue, in such amounts as shall be necessary to carry out the purposes of this act; and the mayor and comptroller of said city are hereby authorized and directed to sign said bonds, and it shall be the duty of the clerk of the common council of said city to countersign the same, and to affix thereto the seal of said city. Said bonds shall bear interest at a rate to be fixed by the comptroller, not exceeding four per cent. per annum, and shall not be disposed of at less than the par value thereof.

§ 3. Nothing in this act contained shall be construed as repealing or in any way affecting any existing provisions of law in relation to the repavement of streets, avenues and public places in the city of New York, the expense of which is authorized by such provisions to be met by taxation.

§ 4. This act shall take effect immediately.

* So in the original.

Chap. 116.

AN ACT to authorize the village of Greenport, in Suffolk county, to purchase all the property of the Greenport water company, and to that end to borrow money, issue bonds and establish a sinking fund.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Purchase of property.

Section 1. The board of trustees of the village of Greenport, Suffolk county, New York, shall have power, and it shall be their duty when authorized by the taxpayers as hereinafter provided, to purchase all the property, both real and personal, of the Greenport water company, a corporation under the laws of the state of New York, including its charter and contracts, stand-pipe, pumps, engines, mains, pipes, hydrants, lands and buildings, at a price not to exceed the sum of fifty thousand dollars.

Issue of bonds.

§ 2. To this end the said board of trustees are hereby authorized and empowered to issue bonds in the name of the said village of Greenport in the amount of fifty thousand dollars, payable in not to exceed thirty years from the date thereof, and which bonds when so issued shall be sold at the highest price offered therefor, not less than par. Said bonds shall bear interest at four per cent. per annum, payable semi-annually, and the denomination, place of payment of principal and interest and other details, except as herein provided, shall be as said board may determine.

Bonds how executed, etc.

§ 3. Said bonds shall be signed by the president and clerk of said village, and shall bear the corporate seal of said village, and be designated "water bonds of the village of Greenport, Suffolk county, New York." And said bonds, when issued, and the interest thereon, shall be a valid liability against the said village, and the credit of said village shall be pledged for the payment of the same.

Payment of interest and principal.

§ 4. The receipts from the said water-works, after deducting therefrom the expenses of operating and keeping them in repair, and extending the same, shall be applied, firstly, to the payment of the current interest of said bonds, and secondly, toward a sinking fund which shall be established, provided said purchase

is made; which said fund shall be under the management and control of the trustees of the village, and shall be adequate to, and for the purpose of the payment of the principal of said bonds at maturity; and any balance in any year remaining after such payments, may be applied to any lawful expenditure of said village.

§ 5. In case the receipts for water rents, after making the deductions as in the last above section provided, shall in any year be insufficient to pay the interest for that year on the said bonds, together with the amount due to the sinking fund for said year, then it shall be the duty of said trustees to cause an amount sufficient to pay such deficiency to be assessed, levied and collected, in addition to other taxes on and from the taxable property of said village, at the same time and in the same manner as the other taxes of said village are assessed, levied and collected, and the amount so raised shall be applied to the payment of such deficiency. Tax for deficiency.

§ 6. Within thirty days after the passage of this act, a meeting of the taxpayers of said village shall be called by its board of trustees, upon notice published for one week in one or more weekly newspapers published in said village, at which the question shall be submitted, whether the purchase in this act authorized shall be made; and said board of trustees shall not proceed with their duties under this act unless a majority of the taxpayers whose names appear upon the last assessment-roll of the village, present and voting at such meeting, shall vote in favor of such purchase; or unless, at a regular annual meeting of said village, upon similar notice, a like majority shall vote in favor of such purchase. Said vote shall be by ballot, and there shall be written or printed on the ballots of those in favor of the purchase, "For the water purchase;" and on the ballots of those opposed, "Against the water purchase." The said board of trustees, or any two of them, shall preside, and certify the result of said meeting, and the village clerk shall, within five days thereafter, serve each of said trustees with a certified copy of such certificate. Meeting of taxpayers. Certificate of result.

§ 7. This act shall take effect immediately.

Chap. 117.

AN ACT to amend chapter one hundred and ninety-five of the laws of eighteen hundred and eighty-four, entitled "An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled 'An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village,' and the several acts amendatory thereof."

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended

Section 1. Chapter one hundred and ninety-five, title eight, section one, of the laws of eighteen hundred and eighty-four, entitled "An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled 'An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village,' and the several acts amendatory thereof," is hereby amended so as to read as follows:

Annual
estimate of
expendi-
tures,

§ 1. The board of trustees shall in each year, within one month after the annual election, make a careful estimate of expenditures proposed to be made in said village for the ensuing year, which estimate shall contain a statement of the several amounts and for what purpose they are to be expended, a copy of which shall be delivered to the treasurer of said village. The aggregate of such estimates shall not exceed the sum of twenty thousand dollars, except that the said trustees may expend in addition to such sum of twenty thousand dollars the amount necessary to provide for the maintenance and support of the electric lighting system of such village, which shall not exceed in the aggregate more than one and one-half mills per annum for every dollar of the taxable property in such village to be ascertained from the last preceding assessment-roll, unless a resolution therefor shall be submitted to and approved by the electors of said village as provided in section two of this title, and said sums, when raised, shall be placed by the treasurer to the credit of the several funds stated in said estimate, and no other. The board of trustees shall have power, for the purpose

Expendi-
ture for
electric
light
system.

aforesaid, to raise the sums of money above stated in each year, Annual tax. from the taxable inhabitants and property of said village, and said sums shall be assessed as follows: Each male inhabitant of twenty-one years and upwards, and not exempt by law from payment of poll-tax, shall be assessed fifty cents and the balance shall be assessed among and upon all persons owning property and estate, real and personal, incorporated companies, banks and banking associations in said village, according to the value of their real and personal estate in said village.

§ 2. This act shall take effect immediately.

Chap. 118.

AN ACT to amend section two hundred and fifty-six of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," in relation to the use of teams and vehicles by the police.

Accepted by the city.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and fifty-six of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows: Consolidation act amended.

§ 256. In the performance of police service in any precinct or Use of boats. precincts, comprising waters of the harbor, the board of police may procure and use and employ such row-boats and steam-boats as shall be deemed necessary and proper. In rural or Mounted patrol sparsely inhabited precincts they may establish a mounted patrol and procure and use and employ so many horses and equipments as shall be requisite for the purpose; and they shall procure and cause to be used teams and vehicles Use of teams and vehicles. to transport prisoners, supplies and property, whenever the use of teams and vehicles for such purposes shall be proper

and tend to preserve the public peace and decency.

Sale of personal property.

The board of police may sell and dispose of in accordance with law, any personal property owned or used in the department whenever such property shall have become old and unfit and not required for service, and they shall have authority to detail and employ patrolmen in any duty or service other than patrol duty, which may be necessary and proper to enable said board to exercise the powers and perform the duties and business imposed and required by law.

Detail of patrolmen for service other than patrol duty.

§ 2. This act shall take effect immediately.

Chap. 120.

AN ACT to amend chapter seventy-four of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the completion of the construction of the Riverside park and drive in the city of New York," passed March first, eighteen hundred and ninety-four.

Accepted by the city.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section two of chapter seventy-four of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the completion of the construction of the Riverside park and drive in the city of New York," is hereby amended so as to read as follows:

Issue of bonds or stocks.

§ 2. For the purpose of carrying out the work authorized by the last preceding section, the comptroller of the city of New York is hereby required, from time to time, when thereto directed by said board of estimate and apportionment, to issue bonds or stock of the city of New York, in the manner now provided by law, to an amount not exceeding in the aggregate seven hundred and fifty thousand dollars, and bearing interest at a rate to be fixed by said comptroller, not exceeding four per centum per annum, the amount thereof to be expended in any one year not to exceed two hundred thousand dollars. Said bonds, if issued, shall be payable from taxation, and shall be redeemable in not less than ten nor more than twenty years from their date of issue. And for the purposes of the immediate

completion and extension of the walks and paths in said park and improving said park, the comptroller of the city of New York is hereby directed to take from the amount which would otherwise be expended in the year eighteen hundred and ninety-seven, the sum of two hundred thousand dollars; said sum of two hundred thousand dollars to be expended exclusively for the purposes of completing and extending the walks and paths in said park and of improving said park. Within three months after the passage of this act the said comptroller of the city of New York is hereby directed to pay and turn over to the department of public parks of the city of New York said sum of two hundred thousand dollars for the purposes described in the last paragraph of this section.

Use of authorized expenditure for 1897.

Payment over of sum to department.

§ 2. This act shall take effect immediately.

Chap. 123.

AN ACT to amend chapter three hundred and eighty-six of the laws of eighteen hundred and seventy-three, entitled "An act to encourage and promote education in the village of Hornellsville," as amended by chapter two hundred and ninety-four of the laws of eighteen hundred and eighty-one.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter three hundred and eighty-six of the laws of eighteen hundred and seventy-three, entitled "An act to encourage and promote education in the village of Hornellsville," is hereby amended to read as follows:

Act amended.

§ 7. The treasurer of said district shall, before entering upon his duties, execute a bond with at least two sureties, to be presented to and approved by the said board of education. He shall receive all moneys collected by the collector and give his receipt for the same, and shall draw upon the treasurer of the county of Steuben for the amount due and apportioned from the common school fund and upon the comptroller of the state for the amount appropriated from the literature fund, and receive all moneys from any and all sources, that may belong to or be due said school district or academie department, and receive all money from

Treasurer of school district.

foreign scholars and give his receipt for the same, and shall pay all drafts drawn by the president and secretary of said board, and shall report annually at the annual meeting of the board, also at the annual meeting of the district, and shall present a statement of his accounts to the board at any time they may require, and shall surrender at the end of his term of office all moneys and papers in his hands as such treasurer to his successor in office.

§ 2. Section eight of chapter three hundred and eighty-six of the laws of eighteen hundred and seventy-three, is hereby amended so as to read as follows:

Payment
over of
school
moneys to
treasurer.

§ 8. The treasurer of the county of Steuben aforesaid, shall pay to the treasurer of said district, all moneys apportioned to said district and which shall come into his hands upon the draft of said treasurer, countersigned by the members of said board, which said draft, so drawn and countersigned, shall be as valid and effectual and have the same force and effect as if drawn by the trustees of a school district, payable to the order of the duly qualified teacher.

§ 3. This act shall take effect immediately.

Chap. 124.

AN ACT authorizing the commissioners of highways of the town of Camillus, Onondaga county, to lay out a public highway across the lands of the State.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Laying out
highway
across state
land.

Section 1. The commissioners of highways of the town of Camillus, Onondaga county, may with the consent and approval of the trustees of the Syracuse State institution for feeble-minded children, lay out a road running from the so-called Bell Isle road on farm lot number sixty-nine to Milton avenue in said town of Camillus, on such line across farm lots number seven and number twenty-four as shall be agreed to and approved of by the said trustees of said Syracuse State institution for feeble-minded children.

§ 2. This act shall take effect immediately.

Chap. 126.

AN ACT to change the name of the village of Havana, New York, in the county of Schuyler, to Montour Falls.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the village of Havana, in the county of Schuyler, is hereby changed to Montour Falls.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT to legalize the action of the trustees of the village of Hamilton, New York, and to declare the annual meeting and annual election of said village held on the twenty-sixth day of February, eighteen hundred and ninety-five, and all business transacted thereat valid and legal.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The action of the trustees of the village of Hamilton, New York, in designating Society hall, Betts block, in said village, for holding the annual election of said village on the twenty-sixth of February, eighteen hundred and ninety-five, instead of the village hall as designated in the original notice of such election, and the annual election of officers of said village at said election, and the business transacted at such annual election, are hereby declared valid and legal.

§ 2. The action of the trustees of the said village of Hamilton in designating the said Society hall (being the place designated by them in section one for holding the annual election of said village), for submitting the proposition to the electors of said village, whether a lighting system shall be established in said village, for supplying light by means of electricity to the inhabi-

Action of trustees and annual election legalized.

Submission of certain proposition legalized.

tants thereof, as provided by chapter six hundred and eighty of the laws of eighteen hundred and ninety-four, and the action taken at said meeting upon said proposition, are hereby declared valid and legal.

§ 3. This act shall take effect immediately.

Chap. 128.

AN ACT to amend chapter three hundred and twenty-seven of the laws of eighteen hundred and ninety, entitled "An act to make the office of county clerk of Ontario county a salaried office, and regulating the management of said office."

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section three of chapter three hundred and twenty-seven of the laws of eighteen hundred and ninety, entitled "An act to make the office of county clerk of Ontario county a salaried office, and regulating the management of said office," is hereby amended so as to read as follows:

Fees of
office.

§ 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall legally be authorized, required or entitled by law to charge or to receive, shall belong to the county of Ontario. It shall be his duty to exact, collect and receive the full amount allowed by law, of all such fees, emoluments and perquisites for said county, except as hereinafter provided in this section, and such clerk shall require payment in advance for recording all papers left with him for record, and shall also in each case, require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this State or by order of the board of supervisors of said county or any duty that may hereafter by law be devolved upon him. Said county clerk shall exact, collect and receive, for searching and certifying the title to, and incumbrances upon real property, for each year for which the search is made, for each name and each kind of conveyance, three cents. For recording any instrument which must or may legally be recorded by him, ten cents for each folio.

§ 2. This act shall take effect immediately.

Chap. 130.

AN ACT to lay out and establish a grand boulevard and concourse, together with not more than fifteen roads running transversely underneath said boulevard, in the city of New York.

Accepted by the city.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioner of street improvements of the twenty-third and twenty-fourth wards of the city of New York shall, within six months after the passage of this act, lay out and establish a grand boulevard and concourse, together with not more than fifteen roads running transversely underneath said boulevard and concourse, in the city of New York, as follows: Commencing at a point on East One Hundred and Sixty-First street, in said city, at the intersection of said street and Mott avenue, running thence in a northerly direction and embracing Mott avenue to East One Hundred and Sixty-fifth street; thence curving to the right and in a northerly direction intersecting East One Hundred and Seventy-fourth street (formerly Walnut street), at Belmont avenue (formerly Fourth avenue), continuing thence to a point intersecting East One Hundred and Seventy-seventh street, at Morris avenue (formerly Monroe avenue), thence northerly to the intersection of East One Hundred and Eighty-second street with Ryer avenue; thence northerly and embracing Ryer avenue to Highbridge road; thence northerly and embracing Anthony avenue to Potter place; thence northerly on a straight line to the Moshulu parkway, intersecting its south side about two hundred and fifty feet east of Jerome avenue. And the said commissioner of street improvements shall cause three similar maps or plans and profiles of the said boulevard and concourse and transverse roads so to be laid out by him as aforesaid, showing the location, width, course, windings and grades of such boulevard and concourse and transverse roads, which maps, plans and profiles shall be certified to by the said commissioner of street improvements before any person authorized by law to take acknowledgment of the same.

Establishment of boulevard and transverse roads.

Plans and profiles.

ments of deeds and conveyances, and shall be filed, one to remain in the office of the said commissioner of street improvements, one to be filed in the office of the register of the city and county of New York, and one to be filed in the office of the clerk of the city and county of New York. And said commissioner of street improvements may file the said maps, plans and profiles together or at different times, as said commissioner may deem expedient.

Lands declared to be a boulevard and public roads.

§ 2. From and after the filing of said maps, plans and profiles, all of the lands and premises embraced within the lines of said boulevard and concourse and transverse roads, as shown and described on said maps or plans, are hereby declared to be a boulevard and public roads, in like manner and with like effect, as if the same had been laid out by the commissioners appointed in and by the act of the legislature, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third, eighteen hundred and seven, and the same are and shall be exclusively appropriated for the purpose of said boulevard and transverse roads.

Width of boulevard and roads.

§ 3. Said boulevard and concourse, as so established and laid out, shall not exceed in width one hundred and eighty-two feet, and said transverse roads, or any of them, shall not exceed in width one hundred and fifteen feet, nor eight hundred feet in length on each side of said boulevard and concourse.

Acquisition of lands and rights.

§ 4. It shall be the duty of the counsel to the corporation of the city of New York, upon a written request from the said commissioner of street improvements, and within four months from the date of such request, to take the necessary means and proceedings to acquire title on behalf of the mayor, aldermen and commonalty of the city of New York, in and to all such real estate not owned by the mayor, aldermen and commonalty of the city of New York, or any right, title or interest therein, not extinguishable by public authority, which shall be embraced within the lines of the boulevard and concourse and transverse roads, as laid out and established by the said commissioner of street improvements, and except as provided in this act, all provisions of law relating to the taking of private property for public streets or places in said city are hereby made applicable, so far as the same may be necessary, for the acquiring of any

Proceedings therefor.

land, property, rights, terms, easements and privileges necessary to be acquired for the purposes of this act.

§ 5. The oath to be taken by the commissioners of estimate and assessment, who shall be appointed under the provisions made applicable by the preceding section of this act, shall forthwith be filed in the office of the clerk of the city and county of New York, and upon the confirmation by the court of the report of said commissioners of estimate and assessment, said report shall be final and conclusive, as well upon the mayor, aldermen and commonalty of the city of New York, as upon the owners, lessees, persons and parties interested in and entitled to the lands, tenements, hereditaments and premises mentioned in said report, and also upon all other persons whomsoever, and thereupon the title of the real estate embraced within said boulevard and concourse and transverse roads, as laid out and established by the said commissioner of street improvements, and in any property, right, term, easement, or privilege in the same, shall vest in and be the property of the mayor, aldermen and commonalty of the city of New York, in trust, nevertheless, that the same be appropriated for the purposes and uses aforesaid and in this act provided. If, however, at the expiration of two years from the date of the filing of the oath of said commissioners of estimate and assessment, no report of the said commissioners of estimate and assessment shall have been made and confirmed by the court, then immediately upon the expiration of said two years the title of the real estate embraced within said boulevard and concourse and transverse roads as laid out and established by the said commissioner of street improvements, and in any property, right, term, easement or privilege in the same, shall vest in and be the property of the mayor, aldermen and commonalty of the city of New York, in trust nevertheless as hereinbefore mentioned.

§ 6. All damages awarded by the said commissioners of estimate and assessment and confirmed by the court, with interest thereon from the date when the title to the lands and premises for which the said awards have been made, shall have vested in the mayor, aldermen and commonalty of the city of New York as provided by this act, and all expenses and costs that may be taxed, shall upon the confirmation by the court of the said report become due and payable by the mayor, aldermen and commonalty of the city of New York to the respective persons and bodies

Oath of
commis-
sioners.

Confirmed
report
final.

Title when
vested in
city.

Payment of
awards by
city.

politic or corporate mentioned or referred to in said report or in whose favor such awards, costs or expenses shall be taxed, and shall be paid accordingly. The expenses of the acquisition of any lands, property, rights, terms, easements and privileges not the property of the mayor, aldermen and commonalty of the city of New York, which it may be necessary to take for the purpose hereof, together with the costs and expenses of the proceedings thereunder relating except as otherwise provided in this act, shall be paid out of the fund known as the "fund for street and park openings" in said city, provided for by existing laws. The person or persons to whom such awards shall be made in such proceedings aforesaid, and the person or persons in whose favor costs and expenses may be taxed, in case of the failure of the comptroller of said city to pay the same within thirty days after a demand therefor, may apply to the court by which said report was confirmed; and the said court, upon such application, shall require and direct the said comptroller to pay said awards, costs and expenses from the fund hereinbefore provided for and applicable to the payment thereof, and enforce said order or mandate in the same manner as other orders and mandates of said court are enforced.

Payments, how enforced.

Issue of bonds.

Comptroller may be directed to raise money.

Provided, however, that whenever the amount of damages or expenses to be paid shall exceed the balance remaining in said fund after deducting all outstanding claims against the same, the comptroller shall, and he is hereby authorized to raise, by the issue of bonds for and on account of said fund, such amounts as shall be necessary to pay such damages, costs and expenses. And the said court may, upon the application of any person or persons in whose favor or to whom awards shall have been made in such proceedings, require and direct the comptroller to raise the money necessary to enable him to pay the same, and from such fund to pay the same.

Assessment of expense.

§ 7. The said commissioners of estimate and assessment, to be appointed as hereinbefore provided, shall not be limited as to the area of assessment by any of the provisions of existing acts, and shall assess to the extent of twenty-five percentum only of the expense of the acquisition of any land, property, rights, rents, easements and privileges, not the property of the mayor, aldermen and commonalty of the city of New York, which it may be necessary to take for the purposes hereof,

together with the interest thereon as herein provided, together with the necessary costs and expenses of the proceedings thereunder relating, upon all such parties and persons, lands and tenements, as they may deem to be benefited by such improvement to the extent which said commissioners of estimate and assessment deem such parties, persons, lands and tenements benefited thereby, and the moneys collected upon the assessments of said commissioners of estimate and assessment shall be paid into the city treasury.

§ 8. For the purpose of defraying the expense of making the necessary surveys, maps, plans and profiles of the said grand boulevard and concourse and transverse roads, the comptroller of the city of New York is hereby authorized to raise such sums of money as may be necessary therefor, but not to exceed ten thousand dollars, by the issue and sale of revenue bonds of said city, and the amount necessary to redeem such bonds shall be included in the first estimate of the amounts required to pay the expense of conducting the public business in said city for the next ensuing financial year.

Issue and
sale of
bonds.

Redemption
of
same.

§ 9. The said commissioner of street improvements shall lay out as part of said grand boulevard and concourse such walks and sidewalks as he may deem advisable for the convenience of foot passengers. No street or other railway shall be laid down on said boulevard or any portion thereof. The commissioner of street improvements may make such rules and regulations as he may deem advisable for the use of said grand boulevard and concourse, and as to the speed of riders and drivers thereon, and as to the exclusion therefrom of any kind of vehicles, the use of which may injure said boulevard and concourse, or render the same unfit or inconvenient for the purposes thereof.

Walks and
sidewalks.

Railways
prohibited.

Rules and
regulations.

§ 10. This act shall take effect immediately.

Chap. 135.

AN ACT to provide for the payment of certain expenses incurred by the city and county of New York in proceedings for the removal of John R. Fellows, district attorney of said county.

Accepted by the city.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Payment of
expenses
authorized

Section 1. The board of estimate and apportionment of the city and county of New York is hereby authorized to audit and pay, within thirty days after the passage of this act, the claims of John J. Linson, a commissioner appointed by the governor to report the evidence taken in a certain proceeding for the removal of John R. Fellows, district attorney of the county of New York, and the findings of material facts deemed by such commissioner to be established, during the year eighteen hundred and ninety-four; and of James M. Ruso, a stenographer employed to take the testimony on the hearing of such proceeding; and said board may direct the comptroller of said city to issue revenue bonds for the amount allowed, the amount of which bonds shall be inserted in the final estimates for the year eighteen hundred and ninety-six.

Issue of
bonds
therefor.

§ 2. This act shall take effect immediately.

Chap. 136.

AN ACT authorizing the raising and appropriating by the town of Flushing of moneys to support inmates of the hospital and dispensary of the town of Flushing.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The electors and the town board of the town of Flushing are authorized and empowered by vote and appropriate proceedings to raise annually, by taxation upon the taxable inhabitants of the town of Flushing, and the property

therein liable to taxation, such amount as may be determined in each year to be proper, to be applied to the care, support and maintenance of inmates of the hospital and dispensary of the town of Flushing, pursuant to the rules established by the State board of charities.

§ 2. This act shall take effect immediately.

Chap. 137.

AN ACT to amend section two hundred and eleven of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo.

Accepted by the city.

BECAME a law March 20, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and eleven of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended so as to read as follows: Charter amended.

§ 211. All rewards or gifts that may be paid or given to any member of the police force for his service, except when the board allow him to retain the same, and all moneys arising from the sale of unclaimed goods remaining for the space of one year in the hands of the clerk of the board, and all fines imposed by the board upon members of the police force, and all fees received and fines imposed under the two preceding sections, and all moneys, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any member or members of the police force, for or on account of absence for any cause, lost or sick time, sickness or disability, physical or mental, shall be paid monthly by the board, and three percentum of all fees for licenses for the sale of liquors, wines, ale and beer, and five percentum of all fines and penalties imposed for any violation of the excise law, shall be paid weekly by the board of excise, all of which sum shall be deposited with the treasurer of the city, and be by him invested Police pension fund, how created.

or deposited when, from time to time, directed by the board, **as**
Treasurer. a fund, to be called the "police pension fund." The **treasurer**
of the city shall be the treasurer of such fund. The **members**
Trustees of of the board of police and treasurer of the city shall be the
fund. trustees of the police pension fund, and shall have the power to
grant pensions as herein provided, to be paid from the police
pension fund by the treasurer, upon the order or warrant of
the board of trustees. Immediately upon this act taking effect
Transfer of the present trustees of the police life insurance fund shall deliver
life insur- the fund, including all investments belonging to the same to
ance fund. the treasurer of the city, for the uses and purposes of the police
pension fund hereby created as hereinafter declared. The
Duty of treasurer shall make all necessary contracts and take all neces-
treasurer sary proceedings in relation to the fund, in his name, as treas-
Pensions. urer of the police pension fund of the city. Pensions shall be
granted by the board of trustees of the police pension fund in
the following cases:

1. To the widow of any member of the police force who shall
To widows have been killed while in the actual performance of police duty,
of deceased or who shall have died from the effects of an injury received
members. while in the actual discharge of such duty, the sum of three
hundred dollars per year so long as she remains unmarried.
To children. And if there be no widow of such deceased member, then such
annual pension shall be paid to his child or children him sur-
viving, if any, so long only as such child or children, or the
youngest of such children shall continue under the age of
eighteen years. No pension shall be paid under this title
to any child over eighteen years of age. And if there
To dependen- be no such widow, child or children of such deceased member,
ent parents. then such pension shall be paid to his parent or parents, pro-
vided such parent or parents were dependent upon such deceased
member for support, and for such time only as such pension shall
be necessary for the support of the parent or parents.

2. To any member of the force who, while in the actual per-
To mem- formance of police duty, and by reason of the performance of
bers dis- such duty, and without fault or misconduct on his part, shall
abled for be injured or become permanently disabled, physically or men-
duty. tally, so as to unfit him for the performance of full police duty,
the sum of not more than one-half nor less than one-fourth of
his rate of compensation per year.

3. To any member of the force who, by long service and exposure while in the actual service of the department shall have contracted any disease or disability, which incapacitates him permanently from performing full police duty, without fault or misconduct on his part, upon his retiring from the service or being dismissed on account of such disease or disability, the sum of three hundred dollars per year, if he has served as such member for ten years; the sum of four hundred dollars per year if he has served as such member fifteen years; the sum of five hundred dollars per year, if he has served as such member twenty years, and a yearly sum of six hundred dollars, if he has served twenty-five years or upwards. Pensions provided for in the second and third subdivisions above shall not be granted except upon the sworn certificate of the surgeon of the police, and upon the unanimous resolution to that effect by the members of the board of trustees of the police pension fund. The police matrons shall be granted the privileges of this fund, so far as it relates to their children. Nothing herein contained shall effect the claim of any annuitant to whom an annuity has heretofore been allowed from the police life insurance fund, but such annuity shall be paid by the treasurer out of the police pension fund, so long as the board shall so direct, the same as if the claim thereto had arisen subsequent to the time when this act shall take effect. And the board of trustees may, in their discretion, and by a majority vote and in accordance with the provisions of this act, grant pensions to widows of deceased members, and to annuitants under the police life insurance fund where death or retirement has occurred prior to the passage of this act, and has been caused by disability acquired in the service of the department. In computing the time of service of any member of the police force for the purposes of this section, the term of service of such member on any regular police force of the city shall be computed and taken the same as service on the police force of the city, and it shall not be deemed necessary for the purposes of this section that such service shall have been continuous. All officers who are retired under the provisions of this act and who are drawing pay from the said pension fund may, when able to act, perform duty in case of emergency, and may be accepted to perform temporary

To retired
or disabled
members.

Certificate
of surgeon,
etc., re-
quired.

Police ma-
trons.

Provido as
to annu-
ties, etc.,
under life
insurance
fund.

Time of
service,
how com-
puted.

Temporary
duty by re-
tired police.

duty by the commissioners when satisfied that they are able to serve. While so serving on temporary duty they shall be entitled to receive compensation not exceeding three dollars per day, in the discretion of and to be fixed by the board, for every day or part of a day that they shall so serve, in addition to their pension, which shall not be in any manner affected by such temporary service. All pensions provided for herein shall be payable monthly and shall be exempt from attachment and execution.

§ 2. This act shall take effect immediately.

Chap. 147.

AN ACT to amend an act entitled "An act to authorize the purchase of a farm for the town poor of the town of Dix, in the county of Schuyler," passed June twenty-fifth, eighteen hundred and seventy-three, known as chapter eight hundred and twenty-eight of the laws of eighteen hundred and seventy-three

BECAME a law March 21, 1895, with the approval of the Governor. Passed, three-fifths being present,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. An act entitled "An act to authorize the purchase of a farm for the town poor of the town of Dix, in the county of Schuyler," passed June twenty-fifth, eighteen hundred and seventy-three, is hereby amended by adding thereto a new section, as follows:

So's or lease of property.

§ 11. The town board of said town is hereby empowered to sell and convey the real or personal property purchased or acquired under the provisions of this act or may lease said real property whenever such board shall so determine by a majority vote of the members thereof, and any conveyance or lease of said real property ordered or directed by said board may be executed by the supervisor of said town of Dix, on behalf of said town, and any such conveyance so executed shall be valid and effectual to transfer to the purchaser a good and valid title to said real property, and any lease so executed shall be valid and effectual to give the lessee of said real property the use and possession of the same, but no such lease shall be for a longer period than three years from the date thereof.

§ 2. This act shall take effect immediately.

Chap. 156.

AN ACT to amend chapter three hundred and fifty-seven of the laws of eighteen hundred and ninety-three, entitled "An act to authorize the Canandaigua Electric Light Company, a domestic electric-light and power corporation, to acquire the property rights and franchises of the Canandaigua Street Railroad Company, and to build, maintain and operate by electricity as a motive power certain railroads."

BECAME a law March 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and fifty-seven of the laws ^{Act amended.} of eighteen hundred and ninety-three, entitled "An act to authorize the Canandaigua Electric Light Company, a domestic electric light and power corporation, to acquire the property, rights and franchises of the Canandaigua Street Railroad Company, and to build, maintain and operate by electricity as a motive power certain railroads," is hereby amended by adding a new section thereto, as follows:

§ 2. Said corporation may also lay, erect, construct and maintain suitable wires or other conductors, with the necessary poles, pipes or other fixtures in, on, over or under the streets, avenues, public parks and places of the several towns and villages in the counties of Ontario and Wayne, for conducting and distributing electricity, with the consent of the municipal authorities thereof, and in such manner and under such reasonable regulations as they may prescribe. And said corporation shall have the right ^{Erection of electrical conductors, etc., in streets.} to acquire real estate, or any interest therein, necessary for the purposes of its incorporation, subject to the right of the owners to full compensation for the same. If said corporation shall be unable to agree with such owner or owners upon the terms of purchase of any such property or rights, or upon the compensation to be paid therefor, it may acquire the same, and such compensation shall be determined, in the manner provided in the condemnation law. ^{Acquisition of real estate.}

§ 2. This act shall take effect immediately.

Chap. 160.

AN ACT to revise, amend and consolidate the several acts relating to the village of Lansingburgh.

BECAME a law March 22, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter revised.

Section 1. Chapter two hundred and four of the laws of eighteen hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh," passed April sixteen, eighteen hundred and sixty-four, and the several acts amendatory thereof and supplemental thereto are hereby revised, amended and consolidated so as to read as follows:

TITLE I.

Boundaries of the Village.

Village boundaries

Section 1. The territory comprised within the following limits shall constitute the village of Lansingburgh: Beginning at a point in the north bounds of the city of Troy, as now established at the Hudson river, distant eight chains and fifty-eight links from the public highway from Troy to Lansingburgh, and running thence along said north bounds of Troy to the southeast corner of the town of Lansingburgh; thence northerly along the east boundary line of the town of Lansingburgh, to a stone monument set at a point in the north side line of the public highway, formerly known as the Northern turnpike, where the east boundary line of the said town crosses the said highway, the said point being one mile due east from the Hudson river, thence north sixty-two degrees west, to the west bounds of the county of Rensselaer (said line crossing the new turnpike at a stone monument set in the ground and also crossing the river road at a stone monument set in the ground); thence southerly along the west bounds of said county to the north bounds of the city of Troy; thence easterly along said bounds to the place of beginning.

Corporate name and powers.

§ 2. The corporate name of said village shall be "the village of Lansingburgh," and the said village shall be hereupon vested with all the powers, franchises, and rights belonging to a municipal corporation and subject to all the restrictions imposed by

general law upon such a corporation, except as may be otherwise provided by this act. The said corporation may sue and be sued and may make and use a corporate seal and alter the same at pleasure, and may take by gift, grant, devise, bequest or purchase, and hold and convey such real and personal estate as the purposes of the corporation may require.

§ 3. The said village shall be divided into four wards as follows: All that part of said village between the center of Ninth street, continued to the east and west bounds of said village, and the center of Fifteenth street, continued to said east and west bounds, shall be the first ward. All that part between the center of Fifteenth street and the center of Eighteenth street, continued to the said east and west bounds, shall be the second ward; all that part north of the center of Eighteenth street, continued as aforesaid, shall be the third ward; and all that part south of the center of Ninth street, continued as aforesaid, shall be the fourth ward.

Division of
village into
wards.

TITLE II.

Village Officers. Their Election and Appointment and Duties.

Section 1. The officers of said village shall be:

Village
officers.

1. A president.
2. Eight trustees, two in each ward.
3. An attorney.
4. A clerk.
5. A treasurer.
6. Two police justices.
7. An engineer and surveyor.
8. One police commissioner.
9. Five water commissioners.
10. Five fire commissioners.
11. A sealer of weights and measures.
12. A street commissioner.
13. A pound-master.
14. Ten commissioners of deeds.

§ 2. No person shall be eligible to any office of said village, unless he shall be an elector, residing and qualified to vote therein and no person shall be eligible to more than one of said offices at the same time, and the election or appointment to, and the acceptance of, one of such offices shall be deemed a resignation of any

Eligibility
to office.

Oath of
office.

village office then held by him. Any person elected or appointed to any office in said village shall within ten days after notice of his election or appointment, take, and subscribe, and file with the village clerk the constitutional oath of office, and in case of his failure so to do, the board of trustees of said village may declare the said office vacant, and shall proceed to fill the same as in case of a vacancy. But any officer of said village may, at the same time, hold the office of commissioner of deeds.

Terms of
office.

§ 3. **Term of office.**—The regular terms of office of the respective officers of said village shall be as follows: President, two years; trustee, two years; village attorney, two years; police commissioner, two years; treasurer, two years; clerk, one year; engineer and surveyor, one year; police justices, four years, except as hereinafter provided; fire commissioners, ten years, except as hereinafter provided; water commissioners, ten years, except as hereinafter provided; scaler of weights and measures, one year; street commissioner and pound-master, each during the pleasure of the board of trustees; commissioner of deeds, two years.

Elective
and appoin-
tive offi-
cers.

§ 4. The president and treasurer shall be elected by the electors of said village as hereinafter provided, and the trustees shall be elected by the electors of their respective wards, each ward electing one, each year; the other of said officers shall be appointed by the board of trustees by vote at regular or special meetings of the board, and the concurrence of at least five trustees shall be necessary to make any such appointment. Every officer of said village shall at all times during his term of office continue to reside and be an elector, in said village, otherwise his office shall become vacant, and the trustees of said village shall be residents of the respective wards in which they are elected, and removal therefrom shall work a vacation of said office, and all officers of said village in office at the time of the passage of this act shall continue until their respective terms expire, except as by this act otherwise provided.

Officers to
be resi-
dents.

Terms of
incum-
bents.

Annual
election.

Election
districts.

§ 5. The annual election of village officers shall be held on the first Tuesday of March in each year, and it shall be the duty of the board of trustees, before such election each year to divide each of the wards of said village into two election districts which shall contain as nearly as may be the same number of voters, and also to designate the polling place in each district. It shall be

the duty of said board to appoint before each said election four ^{Inspectors of election.} inspectors of election for each district, to serve at the charter election next thereafter ensuing; not more than two of the inspectors in each district shall be members of the same political party. They shall be men of good character and residents of the election district for which they are respectively appointed, and they shall be able to cast accounts and to read and write the English language, and the inspectors in each district shall designate one of their number to act as ballot clerk. Said inspectors ^{Qualifications.} shall be selected from the two political parties casting the greatest number of votes in the town of Lansingburgh, at the general election last theretofore held, and shall be chosen from lists of qualified electors to be submitted to said board of trustees by the presiding officer of the organizations representing in said village such political parties. Said lists shall contain the names of not less than ten persons from each election district and shall be submitted to said board of trustees at the last regular meeting before such election. In case registration of the voters shall be required by law before any such charter election, such list shall be submitted in due time for the appointment of inspectors to act as boards of registration. In case of failure of such political organizations or either of them to furnish such lists, the board of trustees shall make appointments of inspectors in the manner as above provided. It shall also be the duty of said board of trustees to appoint two ^{Poll clerks.} poll clerks in each of said districts who shall in each district be members of different political parties. The inspectors and ^{Oaths of office.} clerks aforesaid shall before entering upon the discharge of their duties, qualify by taking the oath of office, and the inspectors shall organize in each district by the selection of a chairman who shall be chosen from the two representing the political ^{Chairman of inspectors.} party which cast the largest vote at the general election last theretofore held in said town. The polls of said charter election shall open at sunrise and close at four o'clock in the afternoon of that day. The chairman of the respective boards of inspectors shall, immediately after the returns of such election shall be signed, file the same with the village clerk whose duty it shall be to be at his office to receive and file the same. The board of ^{Canvass by trustees.} trustees shall, on the night following every such election meet

as a board of canvassers and shall canvass such returns and make and record in the book of records of said board, a statement of the result of such election, as appears from such returns, and a certificate as to the persons elected. It shall be the duty of the village clerk immediately to notify such persons in writing of their election.

Notice to
persons
elected

Notice of
election.

§ 6. Notice of election.— It shall be the duty of the village clerk to give ten days notice of any such annual election, or of any special election to fill vacancy in any elective office by publishing a notice thereof in the official newspaper published in said village, which notice shall contain the names of the offices to be filled and a list of the polling places, and in case of vacancy in any elective office, the board of trustees may order a special election to be held for the purpose of filling the same for the unexpired term, which election shall in all respects be held and conducted in the same manner as the annual election.

Special
elections to
fill vacan-
cies.

Oath of
office.

§ 7. Within ten days after any person elected or appointed, as hereinafter provided, to any office shall have received notice of his election or appointment he shall qualify by taking the oath of office and filing the same with the clerk of said village, and in case of his neglect or refusal so to do, the board of trustees may declare his office vacant.

Official
bonds.

§ 8. The treasurer and police justices shall each before entering upon their respective duties, execute and file with the village clerk a bond with sureties to be approved by the board of trustees as to form and sufficiency of the sureties, conditioned for the faithful performance of the duties of their respective offices and that they shall account for and pay over all moneys received by them respectively by virtue thereof.

TITLE III.

Powers and duties of village officers.

President,
his duties.

Section 1. The president of said village shall preside at all meetings of the board of trustees, and shall call special meetings as occasion may require. It shall be his duty to see that the ordinances of said village are observed, and to prosecute for any violation thereof. He shall be entitled to a casting vote in case of a tie. In case of his absence from any meeting the board of trustees shall appoint a president pro tem to preside thereat, and in case of the president's temporary absence from said village for one

President
pro tem.

week or more or of his temporary inability from any cause to perform the duties of his office, the board of trustees may appoint one of their number president pro tem who shall for the time being possess all of the powers of the president, but shall have but one vote in said board. The president shall submit each year to the board of trustees, at least two weeks before the annual charter election, a tabulated report of the financial transactions of the village for the year, showing:

Annual
financial re-
port.

1. All moneys received and from what sources, designating the respective funds to which they have been apportioned.

2. All disbursements, specifying each item, and from what fund and department of the village.

3. Also a statement of the bonded and other indebtedness of the village, showing when and in what amount the bonds become due, and giving the purpose for which they were given. The said report shall be published in the official newspaper, at least one week before the annual charter election.

§ 2. The clerk of said village shall attend all meetings of the board of trustees, and keep a full record of all its proceedings, and as a board of canvassers. He shall have charge of the corporate seal and of the records of said board and of all papers filed with him or with said board. He shall keep an accurate account of all money audits drawn on the treasurer of said village by said board of trustees, and of the particular funds on whom the same are drawn. He shall also enter in a book known as the clerk's minutes a copy of all notices served by him together with the names of the persons served and the date and manner of service. He shall attend to the publication of all such ordinances, passed by the board of trustees, as are by this act required to be published, and keep a record of such publication. He shall notify all persons in writing of their election or of their appointment, if such appointment be made by said board of trustees. He shall at all reasonable times, on demand of any interested person, produce for inspection, the books, records, and papers of his office, upon receiving a fee of twenty-five cents, but no such fee shall be exacted of any officer of said village. A copy of any ordinance, document or other paper on file in said office and certified by said clerk shall be evidence in all courts and places with like effect as originals. The clerk shall receive an annual salary of one hundred dollars, and

Clerk, his
duties.

Salary.

In addition ten cents per folio for all papers copied by him at the request of any person to be paid by such person if not an officer of said village.

Board of trustees.

§ 3. The board of trustees.—The legislative power of said village except as otherwise provided by this act shall be vested in the board of trustees, which board shall consist of eight members, two to be chosen by the electors of each ward of said village, one to be elected in each ward each year. The board may in the absence of the clerk appoint one of their number clerk pro tem. The said board shall act as such only when convened at a regular or special meeting. Five trustees shall be necessary to constitute a quorum for the transaction of business. All meetings of said board shall be public and all acts and proceedings thereof shall be entered on the record of said village. The concurrence of five trustees shall be requisite to pass any resolution or ordinance which necessarily involves the appropriation of any money or property of the village or for any assessment for any local or public improvement, or declaring a nuisance, and directing its removal or abatement. Votes upon any question shall be taken by yeas and nays when required by any trustee or by the president.

Quorum and votes upon questions.

Meetings of trustees.

§ 4. Stated and special meetings.—The board of trustees shall hold stated meetings at least once in each month and at such other times as they shall by resolution direct. They may also hold special meetings to be called by the president, or by the clerk if he be requested so to do, by at least three trustees, in writing, and such special meetings shall be held at such time as the written notice to the members of the board shall direct. Such notice shall specify the object of the meeting and shall be served personally or by leaving the same at the residence or place of business of each member of the board at least four hours before the time of meeting.

Powers and duties of trustees

§ 5. Powers and duties of the board of trustees.—The said board of trustees shall have the general care, management and control of the finances and all the property, real and personal, and the custody of the records, papers and seal subject to the provisions and exceptions of this act, belonging to said village and may keep all the buildings and other property of the corporation in repair and insured against damage or loss by fire, and

the said board of trustees are hereby authorized and fully empowered.

1 To raise annually by tax upon the taxable property and ^{Taxes.} inhabitants of said village the several sums necessary to meet the estimated expenditures and indebtedness of said village, subject to the restrictions and provisions of this act.

2. To make appointments to, and removals from office, as in <sup>Appoint-
ment and
removals.</sup> this act provided.

3. To provide for the care, custody and preservation of the <sup>Care of
property.</sup> public property, records and papers of the village.

4. To give notice of annual and special elections. ^{Elections.}

5. To approve all bonds required by this act to be approved by ^{Bonds.} said board.

6. To audit accounts and claims against said village; to draw <sup>Claims and
accounts.</sup> a warrant on the treasurer for the payment of any account or claim allowed by them.

7. To determine the rules of its own proceedings. ^{Rules}

8. To require any officer, or board of the village, to furnish ^{Reports.} reports, information and estimates when it deems proper.

9. To designate a newspaper published in said village, in which <sup>Official
news-
paper.</sup> shall be published all such notices, resolutions, ordinances and proceedings of the board as may be required by this act, or by said board to be published.

10. To prevent vice and immorality, to preserve peace and good <sup>Preserva-
tion of
peace.</sup> order, and to prevent and quell riots and disorderly conduct.

11. To restrain and suppress disorderly or gaming-houses, all <sup>Disorderly
or gaming-
houses.</sup> instruments and devices used in gaming, and to prohibit all gaming or fraudulent devices in said village.

12. To restrain and suppress houses of ill-fame or of assigna- <sup>Houses of
ill-fame</sup> tion and to apprehend and punish the keepers thereof.

13. To apprehend and punish common prostitutes, vagrants, <sup>Disorderly
persons.</sup> beggars and disorderly or drunken persons.

14. To license, regulate or prohibit all exhibitions of natural <sup>Exhibitions
or perf.
ances.</sup> or artificial curiosities, caravans of animals, theaters and opera-houses, theatrical and other shows and exhibitions, circuses and other performances for money, within the bounds of said corporation, and to regulate parades, exhibitions, and the parading and playing of bands of music upon the streets and public places therein. The said trustees, or a majority of them, may license <sup>licensing
same.</sup> any such exhibition or performance on payment of not less than

five nor more than fifty dollars in all cases when the amount is not specified by an ordinance, resolution or vote of the board of trustees; but nothing herein shall be construed to prevent the delivery of literary, historical and scientific lectures in said village, the use of apparatus illustrating the same, and the receiving of money for the same; nor shall any church fair, concert or other entertainment, under the auspices and for the benefit of any church, religious or Christian association or body, or by any academy or school in said village, be prevented hereby, and no license shall be required for the delivery of any such lecture, or for such church fair, concert or other entertainment.

Running at large of animals.

15. To restrain and prohibit the running at large of sheep, cattle, horses, swine, or other animals, or fowls, and to authorize the distraining, impounding and sale of the same for the penalty and costs of keeping and proceedings.

Dogs.

16. To make regulations for registering, taxing, confining and muzzling dogs, and preventing the same from running at large, and to destroy such as may be found running at large contrary to any ordinance.

Abuse of animals.

17. To prohibit the abuse of animals; to compel the hitching of animals while standing in the street, and to prevent animals being hitched or fastened in the streets of said village to any shade or ornamental tree, or for an unreasonable time or unreasonably exposed in cold or inclement weather.

Nuisances.

18. To determine the existence and provide for the abatement of nuisances; to compel the owners or occupants of any grocery, tallow chandler shop, soap factory, privy, sewer, drain, cesspool, pigsty, stable, barnyard, manure heap, or other unwholesome or nauseous house, building, place or thing; to cleanse, renovate, remove or abate the same, from time to time, whenever and as often as in the judgment of the board of trustees the same may be necessary for the health and comfort of the inhabitants of said village; and said trustees shall have full power to enter upon the premises upon which a nuisance is permitted, suffered, maintained or controlled, and cause the same to be abated or removed, and cause all expenses of such abatement or removal to be assessed upon and collected from the person who may maintain or control such nuisance, and may also, by action, enforce the penalty imposed by the ordinance of said village for erecting, permitting or maintaining the same.

Abatement of same.

19. To regulate or prohibit the erection, keeping or using of slaughter-houses or pigstys, or of the keeping of swine in said village; to direct the location of markets, and places for storing gunpowder or other explosive material, or volatile and inflammable substances; and to regulate the conveying and keeping of gunpowder and other explosive or dangerous materials, and the use of candles or lights of any kind, or fires, in barns and stables and other places liable to take fire.

Slaughter-houses, etc.
Location of markets, gunpowder houses, etc.
Use of lights, etc.

20. To regulate or prohibit the exhibition of fireworks, the storing of gunpowder or other explosive or dangerous materials, the firing of guns, pistols, powder or other explosive substances, and the building of bonfires within said village.

Explosive or dangerous materials.

21. To regulate, prohibit and prevent the ringing of bells (other than church bells for divine service), blowing of horns, and the making of any improper and disturbing noises in said village; and the racing or immoderate driving of horses, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in the street; and also the flying of kites, rolling of hoops, playing at ball, throwing snowballs or other missiles, coasting, or the use of bicycles, tricycles and velocipedes in and upon the walks and streets of said village, or of any other amusement practices, having a tendency to endanger or annoy persons passing on the streets or sidewalks, or to frighten teams or horses in said village.

Improper and disturbing noises.
Horse racing.
Amusement practices in streets.

22. To regulate or prohibit the encumbering of the streets, parks, public places, sidewalks, crosswalks, lanes and alleys with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, building materials, firewood, coal or any other substance or material. Also, to suppress the placing or leaving of hand-bills, circulars, advertisements or other papers (except regularly issued newspapers), on door-steps, stoops or other exposed places where the same would be liable to get on the street.

Encumbering of streets.
Circulation of hand-bills, etc.

23. To prohibit any person from bringing, depositing or having within the limits of said village any putrid carcass or other unwholesome or offensive substance, and to require the removal or destruction of any such substance by any person who shall have such on or about his premises, or any putrid meat, fish, hides or skins of any kind; and on his default, to authorize the removal or destruction thereof by some officer of the village, the expenses thereof to be paid by the person or persons violating

Deposit of putrid substances in village.
Removal and destruction thereof.

any such prohibition, or neglecting or refusing to make such removal or destruction, in addition to the penalty prescribed for such offense.

Pestilential
or infec-
tious dis-
eases.

24. To take such measures as they shall deem effectual to prevent the entrance or spread of any pestilential or infectious diseases in said village, including the power to erect a pest-house or houses when necessary; and to require the removal thereto of any person or persons in said village having infectious or pestilential diseases, whenever they shall by resolution decide that such removal is necessary for the public health and safety, or to prevent the spread of such disease.

Projections
over
streets.

25. To regulate or prohibit the erection or construction of any projection from or in front of any building in, over or upon any of the streets or sidewalks in said village, and cause the same to be removed at the expense of the owner or occupant of the premises, and to enforce the penalty prescribed for neglect or failure to make such removal.

Peddling,
auctioneer-
ing, etc.

26. To license, regulate, or prohibit the hawking, peddling or auctioneering of goods, wares and merchandise or property of any kind, in or upon the streets, sidewalks, and public grounds of said village, except sales made under any judgment, execution or authority conferred by statutes, or in satisfaction of specific liens; to restrain, regulate or prohibit all gift enterprises, or sales of goods founded upon or connected with any gift, raffle, lottery or chance in said village; and to regulate, license or restrain the peddling, auctioneering or crying of goods, wares and merchandise or other property or commodity in said village.

Gift enter-
prises, lot-
teries, etc.

Trees.

27. To provide for the planting or setting, protecting or removal of shade or ornamental trees in any public square, grounds, streets or avenues in said village and to prevent the cutting, injury or destruction of any shade or ornamental trees now or hereafter planted in or along such streets, grounds or public squares.

Interfer-
ance with
streets.

28. To provide by ordinance or resolution, generally or in special instances, when, how and in what manner any gas, water, electric light, telephone, telegraph, or street railway company, or any officers or employes thereof, or any other person or corporation may disturb, dig up, or in any manner interfere with the streets, avenues, alleys, parks or public grounds of said village; and when, how and in what manner, and on what cou-

ditions, they may lay pipes, drains, erect poles, or place or maintain any other thing or material in, upon or under or over the surface of any of said streets, avenues, alleys, parks or public grounds of said village; and to prohibit any interference with said streets or other places in said village, or the laying of any pipes or drains, erecting of poles, or the placing or maintaining of any other material or thing in, upon, under or over the surface of said streets or other places in said village, except as now permitted by law or acquired franchise; and to enforce the penalty prescribed for the violation of any such ordinance or resolution.

Laying of pipes, erection of poles, etc.

29. To sell and convey any real estate belonging to said village when the same shall no longer be used by said corporation or necessary for any of the uses and purposes thereof.

Sale of real estate.

30. To direct the manner and superintend the making and repairing of sidewalks, crosswalks and of gutters in said village.

Sidewalks, etc.

31. To require all persons owning or occupying property in said village, and the owners of unoccupied property therein, to remove all snow, ice, grass, weeds, stones, dirt or any other obstruction, hindrance or nuisance from the sidewalks and gutters in front of the premises so owned or occupied by them, and to keep the same free and clean therefrom, and in case of neglect or refusal on the part of such owner or occupant to remove the same at his expense.

Removal of snow, dirt, etc.

32. To provide for lighting the streets, avenues and public places of said village in such manner, and with such materials, as they may deem proper; or as provided by the general laws, but any such contract shall be subject to the provisions and limitations of the several acts of the legislature of this state, in reference to lighting villages, and shall also be subject to the approval of the taxpaying voters of the village by ballot at an annual or special meeting or election, except that the board of trustees may make a contract for lighting the streets, public buildings and places for a term not exceeding five years without such approval.

Lighting streets.

33. To regulate the burial of the dead in or from said village.

Burials.

34. To issue warrants for the collection of taxes and assessments, and the expenses of making and repairing sidewalks, abating nuisances, and damages for land taken for streets, and the expense of cleaning walks and streets.

Tax warrants.

Pounds and pound-masters.

35. To establish and regulate public pounds, and appoint pound-masters and define their duties; but such duty shall not be inconsistent with the laws of this state.

Removal of structures encroaching on street.

36. To cause buildings and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof; to declare such expense a lien on the premises from which the same shall be removed, and to issue their warrant against any such owner or occupant to collect the same.

Street improvements.

37. To give names to the streets, and numbers to the lots and tenements, and to change the same; to cause streets to

Maps.

be surveyed and maps of the village to be made and lithographed, and to sell copies to defray the expenses thereof. Also to order

Street names and numbers.

and direct the pitching, leveling, raising, repairing, altering, cleaning and paving of any of the streets, avenues, roads and alleys in said village, and to cause them to be clean and in good repair, and also to order and direct the sidewalks to be flagged and the gutters to be curbed and paved, and to have and exercise all the powers and to discharge all the duties of commissioners of highways of towns within the bounds of said village so far as the same are applicable and consistent with the provisions of this act.

General powers and duties.

38. To do all such acts, perform all such duties, and exercise all such powers, as are authorized, imposed, conferred or granted by any general act of the legislature of this state, applicable to all villages therein, incorporated under a special act.

Ordinances, by-laws, etc.

§ 6. For the purposes aforesaid or any of them, or for the purposes of executing any other power conferred upon them by this act, the said board of trustees shall have power to make, establish and publish, modify and amend or repeal such ordinances, by-laws, rules and regulations as may or shall be necessary to carry into effect any general power, or discharge any duty conferred or imposed by this act, and to prescribe penalties or fines for each and every violation of the same. The said board shall have power to enforce the observance of all provisions of this act, or of its ordinances, by-laws, rules and regulations passed in pursuance of any power conferred herein, either

Enforcement of ordinances, etc.

1. By ordering therein penalties or fines for each and every violation thereof, not exceeding one hundred dollars for any one offense, except as herein otherwise provided, to be recovered in a civil action, as prescribed by this act; or,

2. By declaring therein such violations to be a misdemeanor, punishable by imprisonment for not more than fifty days, or by a fine of not more than fifty dollars, or by both such imprisonment and fine; or,

3. By declaring therein that in case any person or corporation shall refuse or neglect to do any act or work therein required, or to procure the same to be done, the said trustees will cause the same to be done, and collect the costs and expenses of the same, in addition to any fine or penalty provided therefor.

Any ordinance may impose a fine or penalty, and also, declare a violation thereof to be a misdemeanor.

§ 7. Every ordinance, by-laws, rule, order, regulation or resolution passed and adopted by said board of trustees shall be entered in the minutes of the proceedings of said board, and every public ordinance imposing a fine or penalty for violation thereof shall be recorded at length in a book to be known as the book of ordinances, and shall be published in the official newspaper of said village, for two weeks successively, once in each week, before the same shall take effect; and an affidavit of such publication shall be made by the printer or publisher or foreman in the office of the printer of such newspaper, and filed in the office of the village clerk, which affidavit shall be prima facie proof of such publication. Such ordinance shall take effect immediately as against any person or persons, firm or corporation, who may be personally served with a copy thereof, certified by the village clerk, under the corporate seal of said village, with an indorsement or notice showing the date of its passage and entry in the minutes of the proceedings of said board. Every ordinance, by-law, order, rule or regulation passed or adopted by the board of trustees may be read in evidence in all courts and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either from a copy certified by the clerk with the corporate seal affixed, with his certificate of the adoption and entry of the same in the minutes of the proceedings of said board, with the date of such adoption and entry, and also certifying to the fact of the publication or service thereof; or from the volume of ordinances printed by authority of the board of trustees; and such volume, containing the printed certificate of the village clerk that the same was printed by authority of the board of trustees of said village, shall

Record of
ordinances,
etc.

Publica-
tion of
same.

Ordinances, etc.,
how read in
evidence.

Appoint-
ment of
officers and
filling
vacancies.

be presumptive evidence that said volume was printed by such authority. In all cases where the board of trustees has, under the provisions of this act, the power of appointment, they may, and it shall be their duty, from time to time, to appoint successors to such officers, as their respective terms expire, and in case of vacancy occurring before expiration of term, to fill such vacancy for the unexpired term. In case of the failure of said board to make any such appointment, either of a successor, or to fill vacancy in either the water board or the fire board, within thirty days after official notice of such vacancy, then the same may be filled by said water and fire boards respectively. The said board of trustees shall also have power, by a vote of not less than five trustees, to remove from office any officer of said village, of whom said board had the power of appointment, in case of malfeasance in office, neglect of duty or inefficiency, but such accused officer shall have furnished him a copy of the charge against him, a reasonable time before any hearing, and a reasonable opportunity to be heard by himself and his witnesses with counsel, and any such removal shall be subject to review and reversal by the supreme court.

Officers not
to be in-
terested in
contracts,
etc.

§ 8. **Officers not to be interested in village contracts, et cetera.**— No trustee shall be eligible to any other village office, nor shall he in any way, either directly or indirectly, be interested in any contract with this corporation, or in any work done, or to be done, for this corporation, by its officers, employes, or otherwise, except to see that such contract is faithfully carried out by all parties, and that such work is honestly done, and no other officer of this corporation (except members of the fire department, other than the fire commissioners and policemen), shall, in any way, either directly or indirectly, be pecuniarily interested in any contract, or in any work done or to be done for this village, nor beyond his fees, salary or pay allowed or authorized by this charter, shall he in any way receive any benefit or emolument therefrom, except as above stated. Any member of the board of trustees, or other officer, who shall violate the provisions of this act, or any of them, shall be guilty of a misdemeanor.

Evidence of
records and
proceed-
ings.

§ 9. **Evidence of records and proceedings.**— All entries in the journal and clerk's minutes, or copies thereof, duly certified by the clerk, and the corporate seal thereto annexed, shall for every purpose, be evidence in all courts of this state of facts therein stated.

§ 10. The treasurer.--The treasurer shall receive all moneys ^{Treasurer, his duties.} belonging to the village excepting the water fund, and deposit the same within twenty-four hours after their reception, in such bank or banks, banking-house or banking-houses, as may be designated for that purpose by the board of trustees, in his name as treasurer, and he shall account for all interest received by him on such deposits. He shall keep an accurate account of all receipts and expenditures in such manner as the trustees shall direct; and no payments shall be made by him, except upon warrants signed by the clerk and countersigned by the president or president pro tem or upon warrants drawn by the police commissioner or the board of fire commissioners of said village; and no check on the bank or banking-house holding such deposit shall be drawn by the said treasurer, except to pay such warrants; and whenever required by the trustees, he shall prepare and submit to them such written statements of his receipts, expenditures and other matters relating thereto, as the trustees may desire, and he shall be allowed for his services as treasurer, ^{Salary.} In addition to the fees hereinafter provided, a sum not exceeding two hundred and fifty dollars per annum, to be fixed by the board of trustees and paid out of the treasury of the village.

§ 11. Village attorney.--Within ten days after the passage of ^{Village attorney, appointment and term of.} this act the board of trustees, of said village, shall meet and appoint an attorney for said village, whose term of office shall be until the first Monday in April, in the year eighteen hundred and ninety-seven, and on the first Monday in April in the year eighteen hundred and ninety-seven, and in each alternate year thereafter, said board shall meet and appoint, for the term of two years, an attorney for said village. The village attorney shall transact and do all ^{Duties.} the law business of said village and of the several departments thereof, and prosecute and defend all actions, suits or proceedings in which the said village is interested, and the attorney so appointed by said board shall be the legal adviser of the said village, and of all the departments thereof, and he shall be entitled ^{Salary.} to receive from said village the sum of one thousand dollars per year for his services payable monthly. Upon the appointment ^{Term of incumbent to cease.} and qualification of the village attorney to be first appointed under this act, the powers, duties and term of office of the village attorney of said village immediately theretofore in office in said

Delivery of papers. village shall terminate, end and cease, and he shall upon demand surrender and deliver to the attorney appointed by said board of trustees all papers and documents in his possession relating to said office, and give stipulations of substitution to such appointed attorney in all suits and proceedings in which said village is interested.

Appointment of street commissioners, sealer and poundmaster. § 12. Within ten days after the passage of this act the board of trustees shall meet, at their usual hour and place of meeting and appoint a street commissioner, a sealer of weights and measures and a poundmaster. The term of office of the sealer of weights and measures and of the poundmaster, to be then appointed, shall be until the first Monday of April in the year eighteen hundred and ninety-six, and thereafter the terms of said offices shall be one year. The street commissioner shall be appointed to hold during the pleasure of the board, and the board may from time to time appoint a street commissioner as occasion requires. Upon any of such appointments being made, as above provided, and the appointee having qualified, the term of the incumbent of any such office at the time of the qualifying of such appointee, shall immediately terminate, end and cease. The street commissioner shall be entitled to such compensation as shall be fixed by the board of trustees at a rate not exceeding five hundred dollars per year, payable monthly. It shall be the duty of the street commissioner, under the direction of the board of trustees, to see that the streets, avenues and highways of said village are kept clean, properly leveled and repaired and in a safe condition for travel, and he may employ the requisite number of laborers therefor. At every meeting of the board he shall report in writing the names of such laborers and the work done by them respectively. He shall at all times be under the direction of said board, and possess such other and further powers in respect to superintending work on the streets and avenues of the village as may, in special instances, be conferred upon him, but without further compensation.

Street commissioner. § 13. The sealer of weights and measures shall take charge of, and provide for the safe-keeping of the village standards of weights and measures. He shall possess within the village the like powers as county sealer of weights and measures, and shall be entitled within said village to the same fees.

Sealer of weights and measures.

§ 14. The poundmaster shall perform such duties in respect Pound-master. to strays and other animals, running at large, in any of the public places of said village, and shall be entitled to such fees as may be prescribed by the board of trustees and as shall not be in violation of, or inconsistent with, any law of this state.

§ 15. Village engineer and surveyor.— Within ten days after Village engineer and surveyor, his appointment and duties. the passage of this act, and annually thereafter, on the first Monday of April, the board of trustees shall meet and appoint a village engineer and surveyor, who shall be entitled to an annual salary, to be fixed by said board, not to exceed one thousand dollars, payable monthly. Such engineer shall have and keep an office in said village, which shall be open at all reasonable times. It shall be his duty to make all surveys and maps and give all grades required by either the board of trustees, the water board, or the village attorney. It shall also be his duty to do all the surveying and engineering work and to make plans and draw specifications for all work ordered by either of said boards or as preliminary to any work. He shall under the direction of the water board have the general supervision of the construction of all sewers, and of the extension of the water pipes, mains or other enlargement, repair or improvement, as directed by said board, and he shall have like supervision, under the direction of the board of trustees, of all paving, grading, or other work in, or upon any of the streets, avenues, alleys, sidewalks, gutters or public places in said village, and shall make all preliminary surveys, maps and charts, and draw specifications, and make estimates of the expense of doing any work as called for by either of said boards. He shall keep Record of surveys, maps, etc. in his said office a book of records, in which he shall enter the survey and maps of any street, avenue, alley or highway in said village, and the grade thereof, hereafter opened, extended or graded. Also a survey and map of all sidewalks and gutters with the grade thereof, and of all sewers, either cross town, or lateral in alleys, or other places, including all inlets thereto, hereafter constructed. Also of all water pipes and mains and hydrants and where laid and located. The said engineer Other duties. shall see that the construction of all sewers, cesspools, catch-basins, drains, streets, avenues, alleys, roadways, sidewalks, gutters, docks and other public work, and the putting down of all water mains, pipes and hydrants, is properly done and com-

pleted, and that any contract therefor is properly performed and shall furnish to either of said boards a certificate in writing to that effect, whenever the same is so completed and performed. All papers, maps, charts, drawings, surveys and records and other property coming to his possession by virtue of his office, or made by him in the course of his duty therein, shall belong to said village. The term for which any such engineer and surveyor shall be appointed shall not extend beyond the first Monday in April in the year following such appointment.

Duties as to assessments for local improvements.

It shall be the duty of the engineer to make, under the direction of the board of trustees or of the water board, as the case may be, all preliminary assessments for improvements, and certify the same to said respective boards. It shall also be his duty to prepare and attend to the publication and service of all notices, required by this act to be published and served in the making of assessments for local improvements in said village, including street and avenue paving assessments, and to keep a separate record of each assessment, in which shall be entered the names of the persons and corporations assessed, and the amount thereof, also a brief description of the improvement and the lot or property assessed. He shall also keep in such record an account of all papers served, the date when, and upon whom, which shall be a permanent record. The trustees shall provide such engineer with an office in firemen's hall in said village and shall furnish and heat the same, and provide him with stationery, record books and such other articles as shall be necessary to his said office. The engineer to be appointed first under this act shall be appointed to serve until the first Monday in April in the year eighteen hundred and ninety-six.

Office and supplies.

Term of first appointee.

Commissioners of deeds.

§ 16. Commissioners of deeds.—The board of trustees may, from time to time, appoint commissioners of deeds, not to exceed ten in number, who shall possess the same powers, in the county of Rensselaer, as are by law conferred upon and possessed by commissioners of deeds of cities in this state. Any such appointee, before exercising any of the powers or duties of his office, shall file with the clerk of the county of Rensselaer a certificate of his appointment, signed by the clerk of the village, with the village seal attached, and take and file with the county clerk his oath of office.

TITLE IV.

Police Department.

Section 1. Organization.—The police department of said village shall be under the charge and management of a police commissioner, who shall be appointed by the board of trustees of said village. He shall serve without compensation and his term shall be two years, except as hereinafter provided. The regular police force of said village shall consist of not to exceed thirteen policemen, to be appointed by the police commissioner, and he shall select one from their number who shall be known as a chief of police, one who shall be known as an assistant chief, one who shall be known as a sergeant. The persons so appointed shall be and continue residents of the village, of good moral character, fit and capable in all respects to perform the duties of their respective positions. The compensation to which said officers shall be entitled respectively, shall be fixed by the police commissioner within the following limits: The chief of police shall receive not less than eight hundred, nor more than twelve hundred dollars per annum. The assistant chief, sergeant and other members of the force shall receive not less than six nor more than nine hundred dollars per annum, which salaries shall be paid monthly by said village. The police commissioner may also appoint a secretary, and a janitor or station-house keeper, each to serve during the pleasure of the commissioner. The former shall be entitled to be paid at the rate of two hundred dollars per annum, and the latter shall be entitled to a salary not exceeding six hundred dollars per annum to be fixed by the commissioner, each payable monthly. Within ten days after the passage of this act the board of trustees of said village shall meet at the usual time and place of meeting, and appoint a police commissioner, who, after qualifying, as in this act provided, shall be the police commissioner of said village, and his term of office shall be until the first Monday in April in the year eighteen hundred and ninety-seven, on which day and its occurrence every two years thereafter, the board of trustees shall appoint a police commissioner for the term of two years. Upon the appointment of the police commissioner first to be appointed under this act, as

Police commissioner.

Police force.

Compensation.

Secretary and station-house keeper.

Appointment of commissioner.

Term of incumbent.

Proviso as to police force.

hereinbefore provided, and his duly qualifying, the term of office of the police commissioner theretofore in office, shall immediately terminate, end and cease, but nothing in this act contained shall be construed as terminating the office or the power of any of the police force of said village as constituted at the time of said appointment, but such force shall continue subject to the power of the police commissioner to remove as herein provided.

Special policeman.

§ 3. **Special policeman.**—Upon the written application of the president, or of the board of trustees of said village, the police commissioner may, on any special occasion, appoint extra policemen, not exceeding the number named, nor for a longer time than that stated in such application. The commissioner may also, at the request of any railroad company, whose railroad extends through the said village, or of the president of any society holding public exhibitions in the said village, or of the proprietors or director of a public exhibition presented in the said village, appoint special policemen, and the compensation of such special policemen shall be paid to the commissioner by the person or persons applying therefor, other than the president or trustees of said village.

Vacancies and removals or cause.

§ 4. **Filling vacancies.**—The police commissioner shall fill any vacancy in the police force or in the office of chief, assistant chief, sergeant or janitor, and he shall have the power of removal of any officer or policeman on proof of charges preferred against such officer or policemen, in writing, for incompetency, illegal or improper acts or conduct, after having given the accused a copy of such charges and a reasonable opportunity of being heard respecting the same, and pending the action of the commissioner in relation thereto, he may suspend the accused officer or policeman from duty on the force. The police commissioner may also suspend temporarily from duty and from compensation any policeman for willful disobedience of orders or other offense not involving criminal or corrupt conduct, but the said period of suspension in any case shall not exceed thirty days.

Suspensions.

Chief of police, his duties.

§ 5. It shall be the duty of the chief of police, or, in case of his absence or inability, then of the assistant chief, to superintend, under the direction of the police commissioner, the police force of said village. He shall keep a daily record of all arrests made, on what charge, and the disposition of the case. Also of all crimes committed in said village which have come to his knowl-

edge, and of all services rendered by him, and the other members of the force; he shall also report to the commissioner all cases of misconduct, or dereliction of duty on the part of any member of the force.

§ 6. It shall be the duty of the police commissioner to hire from time to time, as occasion may require, and keep in order, suitable accommodations for said force, and to provide cells in which prisoners may be confined, and to cause such accommodations to be suitably and properly fitted and furnished, the expense of which shall be paid out of the police fund, but the expense of the police department shall in no year exceed the appropriation made by the board of trustees. The police commissioner shall have power, from time to time, to make such by-laws, rules and regulations as shall be necessary or proper for the good discipline of said force, and the most efficient service, and shall prescribe and regulate the uniforms to be worn by the members of the force.

Accommodations for force and cells for prisoners.

Rules and regulations.

§ 7. The members of the police force of said village shall have the same power and authority in criminal cases, bastardy cases and proceedings before coroners as constables of towns possess by law. They shall also have power to serve and execute all papers and process in all actions brought by said village to recover a penalty or fine. They shall serve and execute all warrants, process, mandates and orders issued by either of the police justices of said village, or any justice of the peace of said village in any criminal case where the offense was committed in said village. They shall have power, and it shall be their duty, to keep order and preserve the peace in all public places in said village; to arrest all persons concerned in riotous or noisy assemblages, or who are breaking the peace or engaged in committing any crime or violating any by-law or ordinance of said village. They shall have the power to execute in any part of the state any warrant issued by either of the police justices of said village, for the arrest of any person charged with the commission of crime in the said village.

Powers of police force.

§ 8. The constables or sheriffs elected in the county of Rensselaer shall not, as such, be compelled to serve within the village of Lansingburgh any summons, warrant, subpoena, commitment, order, notice, paper or process whatever, issued or directed by the police justices of said village, or any justice of the peace, or coroner, residing or doing business therein, in execution of

Constables and sheriffs not required to serve process, etc.

the laws of this state for the prevention of crime and the punishment of criminal offenders, or of the ordinances of such village.

County and towns not liable for fees.

Nor shall the county of Rensselaer, or any of the towns therein or the village of Lansingburgh, be chargeable with or in any way liable to pay any such constable or sheriff any fees for services rendered or disbursements paid or incurred under or by virtue of such warrants, subpoenas, commitment, order, notice, paper, or process whatever. Neither the town of Lansingburgh or the county of Rensselaer shall be liable, or audit any bills for services in the execution or service of any process, order or mandate issued in any criminal case or proceeding by any justice of the peace in said village, except in cases in the town of Lansingburgh outside of the limits of said village. No policeman shall receive any present or reward for services rendered, or to be rendered, unless with the consent of the police commissioner, in writing.

Presents or rewards.

Issue of bonds for station-house and site.

§ 9. For the purpose of providing the village of Lansingburgh with a police station-house, and a site therefor, the board of trustees of said village are hereby authorized and empowered to borrow upon the credit of said village a sum not exceeding twenty thousand dollars, upon such terms of credit of not less than five nor more than twenty years as shall be determined by said board, and at a rate of interest not exceeding four per cent. per annum. To secure such loan the said trustees are hereby authorized and empowered to issue coupon bonds, in the name and upon the credit of said village, signed by the president and clerk, who shall attach the corporate seal of said village thereto. Such bonds shall be made in amounts of not less than five hundred nor more than one thousand dollars each, and shall be sold to the highest bidder or bidders, but none shall be sold for less than par. The time and place of offering said bonds for sale shall be suitably advertised by said trustees, by causing notice thereof to be published at least once each week for two weeks in two newspapers published in the city of Troy. The proceeds of such sale shall be deposited by said trustees with the village treasurer upon his giving and filing with the village clerk an additional bond as treasurer, with at least two sureties, to be approved by said trustees, and until he shall give such bond and the same shall be approved, said proceeds shall be deposited in some incorporated bank or banking-house in said village, and

Sale thereof.

Disposition of proceeds.

the same shall be subject to the drafts of the said board of trustees for the purposes provided by this act, and any balance that may remain after paying for said site and building shall be set aside by said village treasurer and applied toward the payment of interest on said bonds.

§ 10. The said board of trustees may cause plans and specifications of said building to be prepared, which shall be open to public inspection at some convenient place in said village, at least one week before the election hereinafter provided for. With the exception of expense for such plans, no debt or liability upon or against said village shall be created or incurred under this act, or any provision thereof, until after the taxable inhabitants of said village shall have authorized the construction of said building and the purchase of a site therefor, at special election to be called by said board of trustees. Such election shall be called by said trustees, and be held and conducted in the same manner as elections on the question of raising money by tax for special purposes in said village are, by this act, authorized and directed to be called, held and conducted. The ballots to be voted at such election shall read respectively "for police station-house" and "against police station-house," and in case a majority of the ballots cast at such election shall be in favor of such station-house, then the authority above mentioned shall be deemed to have been given, and the trustees may issue the bonds provided for above, and proceed as hereinafter directed, but not otherwise. But the total expense of said site and building shall not exceed twenty thousand dollars. In case the authority aforesaid shall not be obtained at such election, it shall be lawful for the trustees to call and hold subsequent elections in the same manner and with the same effect as before provided, for the purpose of obtaining such authority, but at least one year shall have elapsed from the time of such last preceding election before another shall be held on said question.

§ 11. As soon as practicable after the authority aforesaid shall have been obtained, the said trustees shall acquire by purchase a suitable lot of land in said village, as and for a site of said building, the title thereto to be taken in the name of said village, and the same shall be paid for by said board of trustees out of the funds hereinbefore provided for.

Plans for building.

Special election on question of station-house.

Powers of trustees upon favorable vote.

Expense limited.

Subsequent election upon unfavorable vote.

Acquisition of site.

Proposals
and con-
tracts for
erection of
building.

§ 12. As soon as such lot shall have been purchased, it shall be the duty of said trustees to advertise for bids and proposals for the construction and erection of said building thereon, according to the plans and specifications approved by said board, by publishing a notice thereof in the official newspaper of said village, and in one newspaper published in the city of Troy, and at the time designated in said notice the bids shall be opened by the said trustees at a regular or special meeting of the board. The contract shall be let to the lowest responsible bidder who will give satisfactory security, and each bid or proposal shall contain the name and residence of at least two persons proposed as sureties for the faithful performance of the contract, and indemnify the village against all loss or damage in consequence of liens either for work or material in the construction of the said building, and the notice aforesaid shall call attention to this requirement. The trustees may reject any and all bids if they deem it to be for the advantage of the village so to do, and they shall advertise for new bids as occasion may require.

Arrange-
ment and
use of
building.

§ 13. Said building shall be arranged, as the trustees may direct, for the use of the police department of the said village and for the holding of the police court therein, and after the same is ready for occupancy, the police court of said village shall be held therein, and the expense of heating and lighting such court-room shall be paid out of the police fund, and the police station janitor shall take care of said court-room without extra compensation. The trustees may employ an architect to make plans and specifications for such building and he shall supervise the construction and erection thereof.

Care and
mainte-
nance.

Employ-
ment of
architect.

Annual
estimate
and tax for
police pur-
poses

§ 14. The police commissioner shall furnish to the board of trustees at the first regular meeting of said board in October of each year, a written estimate of the amount of money required to run his department the ensuing year, which estimate shall be made out in detail, showing the particular purpose, and the several amounts required for each, but nothing herein contained shall be construed to require the said board to allow the same beyond what in their judgment the reasonable requirements of said department demand, and the board of trustees shall include in the annual tax levy each year, a sufficient sum for police purposes, to meet the requirements of said department, as allowed and apportioned by said board. The police commissioner

shall on the first Monday in February in each year make and file a detailed report, showing the condition of his department, what changes, if any, have been made either in the force or otherwise; the number of arrests made and for what arrested; the nationality, sex and age of each person arrested, and what disposition was made of each case. Such report shall also contain an account of all charges against, and suspension of policemen, giving names, charges and disposition made of each case.

Annual report of departments.

TITLE V.

Police Justices.

Section 1. There shall be two police justices of the said village, who shall respectively, from time to time, be appointed by the board of trustees. The term of office shall be four years, and each shall be entitled to receive an annual salary of four hundred and fifty dollars, payable monthly. They shall each before entering upon the discharge of their duties, take and subscribe the constitutional oath of office and file the same with the village clerk, and shall execute an instrument in writing, with two sureties, to be approved by the board of trustees, conditioned that he will pay over on demand to the officer or person entitled to the same all moneys received by him by virtue of his office, and the same shall be filed with said clerk. Subject to the power of removal as provided by sections fifty-seven and fifty-eight of the code of criminal procedure, the said police justices, and each of them, shall have jurisdiction to hear, try and determine all complaints for the offenses enumerated in section fifty-six of said code, committed in said village, and to impose the same punishment as is authorized by statute in like cases. The said police justices shall also have exclusive jurisdiction to hear, try and determine all complaints for vagrancy, for indecent exposure of person, or disturbing the public peace by noisy, tumultuous or riotous conduct or for affray in said village, and shall, after trial and upon conviction of any offender thereof, have power to punish him or her by fine not exceeding fifty dollars or by imprisonment at hard labor, for a term not exceeding six months, or both such fine and imprisonment. The said police justices shall, in addition to the jurisdiction and powers hereinbefore conferred, possess jurisdiction and authority for issuing all process and for the trial and determination of all cases and

P. lice justices, their terms and salary.

Official oath and bond.

Jurisdiction in criminal cases.

offenses arising under the ordinances of said village, The police justices in office in said village at the time of the passage of this act, as well as their successors in office, shall have and possess the above power and jurisdiction and shall have all the powers now held and exercised by the justices of the peace of the several towns in this state in criminal matters.

Actions for
violations
of ordi-
nances

§ 2. The said police justices shall have no jurisdiction in civil actions, except for the recovery of penalties for the violation of any by-law or ordinance of said village. Such actions shall be brought in the corporate name of said village and the same shall be commenced, and proceeded with, the same in all respects as civil actions before justices of the peace of towns, except that in case judgment be rendered against the defendant, the execution issued thereon shall direct, that if sufficient goods and chattels liable to be levied thereon, cannot be found to satisfy said judgment, the defendant shall be imprisoned in the county jail of the county of Rensselaer for a term not exceeding thirty days.

Agreement
with peni-
tentiary.

§ 3. The board of trustees of said village may enter into an agreement with the supervisors of the county of Albany, or their agent duly authorized, to receive and keep in the penitentiary of said county all persons who may be sentenced by a police justice of said village to confinement, or who may be confined pursuant to such sentence in the jail of the county of Rensselaer, for any criminal offense committed within said village; and after such an agreement shall have been entered into, it shall be the duty of the sheriff of the county of Rensselaer, or of any constable thereof, to convey all persons so sentenced, confined or committed, without delay to the said penitentiary, and to deliver them to the keeper thereof; and such keeper shall receive and imprison such persons, and employ them according to the rules, regulations and discipline of said penitentiary, during the terms for which they shall be sentenced, confined or committed respectively, or until they shall be discharged according to law.

Convey-
ance and
delivery of
prisoner
thereto.

Books and
accounts of
fines, etc.

§ 4. The said police justices shall keep books in which they shall enter all business done by them, and shall quarterly, or oftener if required render an account in writing, duly verified by them, to the said board of trustees, of all fines and penalties received by them, and of all moneys in their hands belonging to the said village, and shall thereupon pay over the same to the

village treasurer for the use of said village, and all fines paid to the sheriff of said county, inflicted by said police justices, or either of them, shall be paid by said sheriff to the village treasurer within thirty days after the payment thereof to him.

§ 5. No account shall be hereafter audited or allowed by the town board of the town of Lansingburgh or by the board of supervisors or other authority, in favor of any justice of the peace of the town of Lansingburgh, for any fees or services in criminal cases hereafter arising within said village, and which might otherwise become chargeable to the town of Lansingburgh, or the county of Rensselaer, except for issuing a warrant of arrest. Nor shall any justice of the peace of said town be obliged to render any services in any like criminal cases, except in issuing such warrants of arrest, which shall in all such cases be returnable before said police justices, or one of them.

§ 6. It shall and may be lawful for said police justices, by an instrument in writing to be signed by them, and filed in the office of the village clerk, to agree between themselves as to what portion at the time they shall respectively act as such, and in case of any neglect or disagreement between them in relation thereto, the trustees of the village shall, by resolution, determine the same; which determination shall allot the duties required, as nearly equal in period of time as may be. And such justices shall respectively be obliged in such case to serve accordingly, unless they shall subsequently otherwise agree as hereinbefore stated.

§ 7. The police justices in office in said village at the time of the passage of this act shall continue in office until their terms, for which they were respectively appointed, shall expire, subject to the power of removal; and on the first Monday in March in the year eighteen hundred and ninety-six, and on the first Monday in March, in the year eighteen hundred and ninety-eight, the board of trustees shall appoint a police justice for the term of four years and until the first Monday of April following the expiration of said four years and thereafter on the first Monday of April in each alternate year the board of trustees shall appoint a police justice for the term of four years. In case of vacancy by death, removal from office, resignation or otherwise, in the office of police justice in said village, such

Office and
supplies for
justices.

vacancy shall be filled by new appointment by said board of trustees of said village for the remainder of such term, and such new appointee shall qualify in the same manner and as provided in this act. It shall be the duty of the board of trustees of said village to provide the police justices with a suitable office in a portion of Firemen's hall in said village and to provide fuel, lighting, stationery and blanks therefor.

TITLE VI.

Fire Department.

Fire department,
how composed.

Section 1. The fire department of said village shall consist of the board of fire commissioners, composed of five members, not more than three of whom shall belong to the same political party, to be appointed from time to time by the board of trustees of said village; a chief engineer, and of such other officers and members as may be determined on and appointed by the board of fire commissioners. The term of office of a fire commissioner shall be ten years, and before entering upon the discharge of his duties he shall take, subscribe and file with the village clerk the constitutional oath of office. The board shall organize by appointing one of their number president, and one of their number clerk, and when organized they and their successors in office shall have the general charge and management of said department, and they shall keep a book of minutes containing a full and complete record of all their proceedings. The board of fire commissioners shall appoint a chief engineer and all other officers, and subordinate members and employees of said department, to hold their respective positions during the pleasure of said board, and to fix the compensation to be paid to each, but said board of fire commissioners shall not contract or create any liability on the part of said village in excess of the annual appropriation made by the board of trustees for said department. The said commissioners, including the president and clerk of the board, shall be entitled to receive no compensation.

Compensation.

Charge of
property.

§ 2. The board of fire commissioners shall have charge of all property now in use, or hereafter to be acquired by the said village, for the purpose of extinguishing fire, including all rooms used for storing or keeping the same, subject, however, to the right of the board of trustees of said village to use the same, when not required for fire department purposes. They shall

also have power to sell, from time to time, when the efficiency of the fire service in said village demands it, any of the personal property under their charge, as such commissioners, but the proceeds of all such sales shall be forthwith deposited with the treasurer of said village who shall place the same to the credit of the fire fund. They shall also have authority and power to, from time to time, make such purchases of horses, trucks, hose and other necessary tools, implements and apparatus as the efficiency of said department shall demand; provided, however, that in no year shall the expenses of said department for all purposes exceed the appropriation as increased, as aforesaid, by receipts from any sale or sales that might be made. The said commissioners, and any and all members of said department, may at any time, in case of fire in said village or an alarm, take water from any of the hydrants in said village.

Sale of
personal
property.

Purchase
of horses,
apparatus,
etc.

May take
water from
hydrants.

§ 3. The board of fire commissioners shall have power and it shall be their duty, to make by-laws, rules and regulations for the government and discipline of the fire department in said village, and of the officers, members and employees thereof. And any person who shall at the time of fire in said village be guilty of riotous or disorderly conduct, or who shall attempt to obstruct the operation of the department or of any representative thereof, or to incite insubordination, or to obstruct or interfere with the execution of the lawful orders of the chief engineer, or of the execution of the lawful orders of the chief engineer, or of any person lawfully in charge, shall be liable to such penalty as shall be prescribed by the by-laws of said department, not exceeding one hundred dollars, and shall also upon conviction be deemed guilty of a misdemeanor and shall be punished by fine, not exceeding fifty dollars or by imprisonment not exceeding fifty days, or by both such fine and imprisonment, in the discretion of the police justice of said village, before whom such conviction shall be had.

Rules and
regula-
tions.

Penalty for
disorderly
conduct,
etc., at
fires.

§ 4. The board of fire commissioners shall have power, when necessary to arrest the progress of a fire in said village, to pull down, blow up, destroy and demolish any building in said village, but this power shall not be exercised as to any building or structure not at the time on fire, or in imminent peril of burning, without the concurrence of all the members of the said board, together with the chief engineer.

Demolition
of build-
ings.

Chief
engineer,
his duties.

§ 5. The chief engineer of the fire department shall, under the direction of said board, have the general superintendence of the fire apparatus, and the general charge and control of the hosemen, firemen and other subordinates at the time of fire, and he shall have the general power and management at such time, and his orders shall be obeyed. In case of his absence, then the powers heretofore conferred upon him shall devolve upon and shall be exercised by any such officer or member of the department as shall be designated by the rules of the board of fire commissioners. It shall be the duty of the chief to see that the fire apparatus, hose and all other property necessary to the extinguishment of fire in said village is in good and proper condition, and to promptly report to said board any defect therein.

Reports.

It shall also be his duty to report any act of insubordination, or of any interference with or obstruction of any order given by him, at the time of fire, either by any member of said department or other person. He shall, on or before the second Monday of February in each year, report to said board, and at such other times as the board may require, the state and condition of the property belonging to said department, and as to the efficiency of the subordinate members and employes thereof.

Exemption
from jury
and mili-
tary duty.

§ 6. Every member of said department, and the subordinates and employes thereof, shall, so long as he remains in such connection, be exempt from serving, or doing jury duty, and from military duty except in cases of insurrection and invasion, and the certificate of the clerk shall be sufficient evidence of the fact to entitle any fireman to the exceptions mentioned in this section, or otherwise provided by law.

Annual tax.

§ 7. The board of trustees of said village are authorized to raise annually by tax, at the time and in the manner that the annual village taxes are levied and collected in said village, a sum not exceeding four thousand dollars, which, together with two thousand five hundred dollars, to be drawn from the six-mill fund, or such part thereof as may be required to pay the estimates of the board of fire commissioners, as allowed and apportioned by the board of trustees, shall be set apart annually as the fire department fund. All bills for necessary expenditures connected with the said fire department, not exceeding, however, in any one year the amount of the fire department fund, shall be audited by the board of fire commissioners and paid by

Audit and
payment of
bills.

the treasurer of the said village, and out of the said fire department fund, on the warrant of the board of fire commissioners, signed by the president and the clerk thereof.

§ 8. The board of fire commissioners shall make and submit to the board of trustees of said village, at the first regular meeting of said trustees in the month of October in each year, an itemized estimate of the amount of money required to pay the expenses of the fire department for the ensuing year, but nothing herein contained shall be construed to require the said board to allow the same, beyond what in their judgment, the reasonable requirements of said department demand. The board of fire commissioners shall also, on or before the third Monday in February in each year present to the board of trustees of said village a report showing a complete inventory of all the property under their charge, which report shall also exhibit a particular statement of all fire alarms, and fires which have occurred in said village during the preceding year, together with the cause of all such fires, as far as the same shall have been ascertained. It shall also exhibit a particular statement of losses caused by fire, and all insurance thereon. It shall also show the number of feet of hose used, and designate the source whence the supply of water was derived, it shall also give the names of the members and officers of the department, of the companies of firemen, and of all persons employed by the board of fire commissioners, together with the compensation paid to each, and a detailed statement of all expenses of said department during the past year, and of all moneys received by the fire commissioners, or for their benefit as such, including the foreign insurance company tax, and such report shall also contain such other and further information relative to said department as shall be called for by the said board of trustees.

Annual
estimate of
expenses

Annual in
ventory
and report
of board.

§ 9. Within ten days after the passage of this act the board of trustees of said village shall meet and appoint five fire commissioners. One to serve until the first Monday in April in the year eighteen hundred and ninety-seven, one to serve until the first Monday in April eighteen hundred and ninety-nine, and one to serve until the first Monday in April in the year nineteen hundred and one, one to serve until the first Monday in April in the year nineteen hundred and three, and one to serve until the first Monday in April in the year nineteen hundred and five, and

Appoint
ment of
commis-
sioners.

on the first Monday in April, in the year eighteen hundred and ninety-seven and in each alternate year thereafter the board of trustees shall meet and appoint a fire commissioner for the term of ten years. The commissioners to be first appointed, as above provided, shall immediately after qualifying, organize as a board of fire commissioners, and thereupon the terms of office of the theretofore existing fire commissioners in said village, shall terminate, end and cease, and likewise all of their powers and duties and the said new board shall have power and authority to make appointment of all subordinate members of said department, including drivers, hosemen, tillerman and all other employes. And immediately upon any such appointment, the term, powers and duties of the holders thereof, immediately prior thereto, shall end and cease. In case the board of trustees of said village shall fail to appoint a fire commissioner on the first Monday of April in the year eighteen hundred and ninety-seven and in each alternate year thereafter, or within thirty days after any such first Monday of April, or in case they shall fail to fill any vacancy in said board of fire commissioners within thirty days after the same shall have been communicated to them, then the said board of fire commissioners shall have power to elect a member of said board for the full or unexpired term as the case may be; and the secretary of said board of fire commissioners shall forthwith give notice in writing of such election to the clerk of said village.

Terms of
existing
commis-
sioners.

Powers of
new board
to make ap-
pointments.

Failure of
trustees to
appoint
commis-
sioners.

TITLE VII.

Water Department.

Section 1. The system of water-works now established, and as the same may be hereafter enlarged or improved in said village, including all real estate, reservoirs, mains, pipes and other property now or hereafter set apart and used for the purposes of said water department and the water system of said village, shall be under the management, control and supervision of five water commissioners, to be appointed from time to time, as occasion may require, pursuant to this act, by the board of trustees of said village, not more than three of whom shall belong to the same political party. The regular term of office of a water commissioner shall be ten years. The board of water commissioners shall organize biennially upon the incoming of a new mem-

Water com-
missioners

Organiza-
tion of
board.

ber, by electing one of their number chairman, and by electing from their number a secretary and a treasurer. The chairman and secretary shall hold office during the pleasure of the board, and the treasurer shall hold his office for two years and until his successor shall be chosen and shall have qualified. The treasurer shall give a bond to the village with not less than two sureties and in a penalty to be fixed by said board, conditioned for the faithful performance of his duties, and that he will account for, and pay over, all moneys coming to his hands or under his charge by virtue of his office, which bond shall be first approved by said board of water commissioners as to form, and the sufficiency of the sureties, and the treasurer shall from time to time, give such additional and further bonds, during his term, as the board of water commissioners may require, which bond or bonds shall be forthwith filed with the clerk of said village after the same have been approved, as aforesaid, and in case of his failure to give such additional bond, he may be removed by said board from his office as treasurer, and a successor be appointed for the remainder of his term. All money received by the treasurer of said board shall be deposited by him daily in some incorporated bank or banking-house as a majority of said board shall direct. The treasurer shall be entitled to receive an annual salary not exceeding one thousand dollars, and the secretary shall be entitled to receive an annual salary not exceeding two hundred dollars, each payable monthly, and to be fixed by the board of water commissioners after said officers shall have been appointed, but neither shall be entitled to a vote in fixing the salary of either of said officers.

Treasurer.

Salary of treasurer and secretary.

§ 2. The said commissioners shall appoint an officer who shall be known as the superintendent of the water-works, who shall receive such salary per annum, in monthly payments, as shall be fixed by said board, not exceeding one thousand dollars per annum, and his duties shall be to devote his whole time and services, under the general advice and direction of said commissioners, to the care and management of the water-works, and such duties connected therewith as the said commissioners shall direct. The said commissioners shall also have power to extend the distributing pipes of said water-works whenever they may think proper, and to make such alterations and improvements in said works, and in the management and preservation thereof, as

Superintendent of water-works.

Extension and improvement of works.

Employees. they may deem necessary and expedient, and to employ such persons and assistants as they may require to execute any of the purposes aforesaid, who shall be paid for their services out of the water fund on the warrant of the board of water commissioners.

General duties of commissioners. § 3. It shall be the duty of said commissioners to have and exercise a general supervisory and controlling power in all matters relating to the preservation and continuance of the water-works of said village, and the ponds, reservoirs, streams and lands used for that purpose, and the banks and lands adjacent to said ponds and reservoirs; and it shall also be the duty of said commissioners to abate and prevent nuisances, committed or threatened to be committed, on or along the ponds and reservoirs and upon the lands adjacent thereto, and to make and publish in the official newspaper in said village, such by-laws, regulations and ordinances as they shall deem necessary and proper for the protection of the hydrants, and water pipes of individuals, and for the preservation, protection and management of the said water-works, and the reservoirs and the water therein, and the banks and the lands adjacent thereto, and for the prevention or removal of nuisances on said reservoirs, and the banks and lands adjacent thereto; such by-laws, regulations and ordinances

Erection of slaughter-houses near creek prohibited. shall have all the force and effect of law. It shall not be lawful for any person to erect or maintain any slaughter-house, barn or yard used in connection therewith, upon the bank of any creek, so near the said creek as to render the water of said creek impure or unwholesome in any degree. Any person offending against any of the prohibitions in this section contained shall for each offense, forfeit and pay the sum of fifty dollars, to be recovered in an action brought by and in the name of the village, before any court having jurisdiction; and in any such action brought in the supreme court the court on the trial of the action may order judgment not only for the penalty aforesaid, but direct the nuisance to be abated and such slaughter-house removed or torn down.

By-laws and regulations. § 4. The board of water commissioners may adopt such by-laws, rules and regulations, not inconsistent with the laws of this state or of the United States, as they shall deem proper, relative to the times and places of meeting of said board, as to the duties of their officers and employes, and generally for the transacting, directing and managing the affairs of the water department

of said village. The said board of water commissioners shall have the power at any and all times, for the purpose of extending or laying water mains or distributing pipes, or for the purpose of repairing, altering or examining any water main or distributing pipe, connection or other appurtenance therein, to enter upon any street, avenue, highway, alley or public place in said village and dig up the same as shall be necessary, without any permit so to do from the board of trustees of said village; and any contractor with said board of water commissioners, shall have and possess the same power when necessary for the performance of his contract. The said board of water commissioners, or any person contracting therewith, shall have also the same power and authority in respect to the construction, extension, cleaning, repairing or amending of any sewer, cess-pool, catch basin or other sewer, connection or appurtenance, but in each and every such case the said board, or its contractor, as the case may be, shall cause any such excavation to be carefully guarded, and shall as soon as practicable restore such street, avenue, highway, alley or other place to its original condition.

Right to use streets and highways.

§ 5. The connecting or supply pipes leading to any building, yard or lot from any distributing pipe shall be put in and kept in repair at the expense of the owner or occupant and no such connection shall be made, nor shall any street, avenue, highway or other public place in said village be excavated for such purpose until a written permit therefor shall first be obtained from the secretary of said water board, and all such excavations and connections shall be made in the manner directed by the board of water commissioners and at the expense of the owner or occupant; such work shall be done under the supervision of the superintendent of the water works; and the owner or occupant, before such permit, shall pay to said secretary such reasonable charge for such supervision and for the curb box and cock and bullhead, as shall be designated and prescribed by said board of water commissioners.

Connecting or supply pipes.

§ 6. The said commissioners shall annually on the first Monday of February make and file with the clerk of said village a detailed statement of their accounts, a general statement of their work, condition of their affairs and state of their finances,

Annual reports of commissioners.

including a full detail of all money received and from what sources and the amount expended for all purposes by said board during the preceding twelve months, and a statement as to any deficiency as to the frontage taxes, water rates and charges, if any, in meeting the principal and interest of the bonds, certificates or obligations falling due the coming year, and said commissioners shall keep correct and true books of account, and of their proceedings and transactions, and shall also, on the first Monday of November of each year make and file a like statement, provided said board shall call upon the board of trustees for any appropriation that year.

Frontage
tax.

§ 7. The board of water commissioners are hereby authorized and directed to annually levy and assess, at the time and in the manner hereinafter provided, a frontage tax upon such lots as are situated upon any street, avenue, alley, square or other place in which the main or distributing pipes are laid, and from which such lots can be supplied with water, and such frontage tax shall be a lien and charge upon such lots and the buildings thereon; provided, however, that such assessment, tax, or lien shall in no instance exceed three cents per lineal foot front, for such lots so liable to be assessed and taxed as above provided, and in making and levying such assessment no lot shall be assessed for a frontage upon any two streets running at right angles unless there shall be a separate ownership in said lot.

Water
rates.

§ 8. The said board of commissioners shall establish a scale of water rates to be paid to the treasurer of said board, from time to time, either in advance, or at such time or times as the commissioners shall prescribe, for the supply and use of water and the scales of such rates and charges may be established by said board with reference to the purposes for which water is used, or is to be used, and special rates may be established and charged for hotels, stores, livery or private stables, factories, saloons, and in all other cases, including dwellings, where, in the judgment of said board an extra quantity of water will be used, and the board shall have the power, from time to time, to modify any such rates, and increase or diminish the same, and said board is hereby empowered at any time, to shut off all supply of water from any place where the same is used, in case of non-payment of any water rate, and may, by its superintendent or its agents or employes, at all reasonable times, enter any build-

ing or place where water is furnished, to examine, either in ^{Entry of} respect to the quantity of water used, or the manner of using it, ^{buildings.} and also for the purpose of shutting the supply off, in case of default in the payment of any water rate, and any person who ^{Penalty for} shall, after the same has been so shut off, and before all rent ^{willfully} then due shall have been paid, willfully turn the same on, shall ^{turning on} be guilty of a misdemeanor, and upon conviction shall be fined ^{water.} not to exceed fifty dollars or in default of the payment thereof, be sentenced to fifty days' imprisonment.

§ 9. Such water rates shall be collected from the owner or ^{Collection} occupant, and said board may, in the name of the village, sue, ^{of rates.} and recover judgment, for any unpaid water rate, and either of the police justices of the said village shall have jurisdiction in such cases, and the same shall be commenced, and in all respects conducted, in the same manner as civil suits before justices of the peace of the several towns of this state.

§ 10. The water commissioners of said village shall, on ^{Asses-} before the first day of November, in the year eighteen hundred ^{ment-roll.} and ninety-five, and in each year thereafter, make or cause to be made, a list or assessment-roll substantially as follows:

1. In the first column shall be placed the name of the owner or owners of any building or lot, in said village, chargeable with a frontage tax, under the provisions of this act, if known to said water commissioners.

2. In the second column the name of the street or avenue and the number of the lot, or such other description as will identify the property intended.

3. In the third column the frontage tax.

They shall make one fair copy thereof, to be left at the office of the board of water commissioners in said village. They shall ^{Notice of} also forthwith cause notice thereof to be published in the official ^{meeting to} newspaper of said village. Such notice shall set forth that the ^{review roll.} said water commissioners have completed their said list or roll, and that a copy thereof is left in the office of the board of water commissioners in said village, where the same may be seen and examined by any person interested, until the third Tuesday of November; and that on that day the said water commissioners, or a majority thereof, will meet, at a time and place, also to be specified in such notice, to review said list or roll. It shall be ^{Hearing of} the duty of the said water commissioners, or a majority of said ^{complaints.}

board, on such day to meet at the time and place in said notice mentioned, and sit at least one day to hear and examine all complaints in relation to such assessment-roll or list that may be brought before them; and they are hereby empowered, and it shall be their duty, to be in attendance at such place on said day as specified in said notice, and to hear all complaints made before them in respect to said assessment, and, if necessary, in order to hear complaints, to sit on the following and succeeding days, and they shall adjust such tax on an equitable and just basis and to that end may, as the right of the case requires, alter and change such assessment, and when fully completed, shall confirm the same, and thereupon such assessment shall, subject to the power of the courts to review, correct or vacate the same, be a lien binding upon the property, persons and corporations entered and described therein. The said board, after the final confirmation of such assessment, shall attach thereto their warrant, signed by the president and secretary, authorizing the receiver of taxes to collect the same, and thereupon the same shall be collected and enforced in the same manner as other taxes of said village, as by this act provided.

Confirmation of roll.

Warrant for collection.

Application of income of water-works.

§ 11. The entire annual receipts for frontage tax, water rates and charges, after deducting therefrom such sums as may be necessary to defray the expenses of operating, and the cost of repairing said waterworks, and of extending or increasing the same, the expenses of said commissioners and the incidental and necessary charges and expenses incurred by said commissioners in the discharge of their duties; shall be applied toward the payment of the interest on the water bonds, and also toward the creation of a sinking fund for the payment of the principal of said bonds, as they shall, from time to time become due and payable, which sinking fund shall be managed by the said commissioners. No investments shall be made in behalf of said sinking fund, except in the bonds of the United States, of the state of New York, or of any city of this state.

Sinking fund for payment of bonds.

Certificate of deficiency in income for bonds and interest.

§ 12. In case the entire receipts for frontage tax, water rents and charges, after deducting as in the preceding section provided, shall in any year be insufficient to pay the interest for that year on said water bonds, or in case in any year when any principal secured by said bonds falls due, the receipts for frontage tax, water rents, and charges, after making said deductions, together

with the money in the sinking fund, shall be insufficient to pay said principal and interest falling due that year, then it shall be the duty of said commissioners to certify the amount of the deficiency to the said board of trustees of said village, the certificate thereof to be signed by the chairman and secretary of said board of water commissioners, and it shall thereupon be the duty of said board of trustees to cause such deficiency, except as hereinafter provided, to be assessed, levied and collected from the taxable property of said village, in the same manner and at the same time as other taxes of said village are assessed, levied and collected, and the same shall, when collected, be paid over to the said commissioners, to be by them applied to the payment of such principal or interest, or both. Tax for deficiency.

§ 13. The board of water commissioners of said village shall also be sewer commissioners in and for said village, and the construction of sewers, cesspools and catch basins, and the repairing cleaning, altering and amending the same, including those heretofore constructed, shall be under the charge, management and control of the said board. The said board may, from time to time, order and direct the construction of lateral sewers in the alleys of said village, for the benefit of the lots or parts of lots abutting thereon, and to be connected with cross-town sewers, and also to order the same repaired and cleaned as occasion may require. In the construction or altering of said lateral sewers or cesspools or catch basins, the said board shall cause estimates of the expense of doing the same to be made, and a just and equitable assessment thereof upon the property benefited, and in such case the said board shall proceed in the manner and have the same power and authority as is, by this act, given to and possessed by the board of trustees of said village in the matter of assessments for local improvements, and the same shall have the same force and effect, and be in like manner enforced and collected. Sewer commissioners. General powers and duties.

§ 14. Within ten days after the passage of this act the board of trustees of said village shall meet and appoint five water commissioners for the term of two, four, six, eight and ten years, respectively, and until the first Monday in April of the year in which said terms expire, respectively, and on the first Monday in April in the year eighteen hundred and ninety-seven, and on the first Monday in April of each alternate year Appointment of commissioners.

Terms of
existing
commissioners.

thereafter, the board of trustees of said village shall meet and appoint a water commissioner for the term of ten years. The water commissioners to be first appointed, as above provided, shall immediately after qualifying, organize as hereinbefore provided, and immediately thereupon, the terms of office of the theretofore existing water commissioners, and all of their powers and duties as water commissioners or sewer commissioners, and of the then superintendent of the water department in said village, as well as of other persons employed in and about said department, shall terminate, end and cease, and the said new board shall make appointment of a superintendent and of such other employes as is provided by this act.

Appoint-
ments by
new board.

Failure to
appoint
commis-
sioners.

§ 15. In case the board of trustees of said village shall fail to appoint a water commissioner on the said first Monday of April in the year eighteen hundred and ninety-seven, and in each alternate year thereafter, or within thirty days after such first Monday of April, or in case they shall fail to fill any vacancy in said board of water commissioners, within thirty days after the same shall have been communicated to them, then the said board of water commissioners shall, by a vote of at least three of their number, have power to elect a member of said board for the full, or unexpired term, as the case may be; and the secretary of said board of water commissioners shall forthwith give notice in writing of such election to the clerk of said village.

TITLE VIII.

Taxation and Assessment.

Assess-
ment-roll.

Section 1. It shall be the duty of the board of trustees of said village, on or before the fifteenth day of December, in each and every year, for the purpose of raising by tax the several sums for the purpose of defraying the necessary and legal expenses of said village, as in this act provided, to make or cause to be made an assessment thereof and apportion the same upon all real estate and property, including railroads and railways within the boundaries of said village, not by law exempt from taxation, and upon all persons residing therein, and upon all corporations for the personal estate owned by them and liable to taxation therein, and in making such assessment-roll and levying such tax to proceed in all respects the same as the trustees of common school districts are required

by law to proceed, in making and levying school taxes; provided, however, that in making said roll, the Fitchburgh railroad, and the real estate lying on the east side thereof, shall be put on said roll at one-half of its valuation, but the amount of any ^{Annual tax} such tax for the ordinary current expenses of said village shall ^{levy.} not in any year exceed the sum of six mills upon each dollar of valuation, as contained in the assessment-roll for that year, except as provided in section seven of title six, and section fourteen of title four of this act. In addition to the six mills, increased by the fire and police apportionments, as by this act provided, the board of trustees shall raise by tax, as may be necessary, and include in any annual tax levy, such sum as shall be required to meet and pay the principal and interest, or the interest, of any bonds of said village, as the same falls due. But not more than one thousand dollars shall be so raised in any year for interest on water bonds now outstanding.

§ 2. The valuations of taxable property shall be ascertained, ^{Valuations} so far as possible, from the last assessment roll of the town of ^{of prop-} Lansingburgh, after its revision by the assessors, and no person shall be entitled to any reduction in the valuation of such property, as so ascertained, unless he shall give notice of his claim to such reduction in writing to the board of trustees of said village, on or before the first day of December.

§ 3. After the said assessment roll shall have been completed, ^{Warrant} a copy thereof shall be delivered to the receiver of taxes, with ^{for collec-} a warrant annexed thereto, signed by the president and clerk ^{tion of} of the village, directing him to collect the several sums therein ^{taxes.} specified, as assessed against the persons, corporations and property therein named, and to return such warrant to the village clerk in ninety days from the date of issue thereof. Such warrant may be renewed, from time to time, by the board of trustees, by and indorsement thereon, or certificate annexed thereto, signed by the president and clerk, specifying the term of such renewal.

§ 4. On the receipt of such tax list and warrant, the receiver ^{Collection} of taxes shall proceed to collect the taxes therein specified, in ^{of taxes by} the manner directed in, and provided by, chapter six hundred ^{receivers of} and fifty-one, of the laws of the year eighteen hundred and ^{taxes.} seventy, entitled "An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansing-

burgh, in the county of Rensselaer" and the several acts amendatory thereof.

Return of
unpaid
taxes and
assess-
ments.

§ 5. After the expiration of the time given for the collection of any tax or any assessment for local improvement by the receiver of taxes and under the warrant issued by him he shall make return to the board of trustees of all such as are unpaid, and the village clerk shall without delay make a copy thereof, and deliver the same to the village treasurer, who shall transcribe the same in a book to be kept by him for that purpose, and may charge and receive for his own use five per cent. fees of collection on such of said taxes or assessments as may be paid to him. He shall forthwith cause a copy of so much of the tax or assessment-roll as contains such unpaid taxes or assessments, or any part thereof, to be published in the official newspaper of said village, once in each week for six weeks, successively, with a notice that if the said taxes or assessments, with the interest, as is hereafter provided, and five per centum fees for collection, added, shall not be paid to the treasurer within the said six weeks, the lands upon which, or in respect to which they are imposed, will be sold at a time and place therein specified, at public auction, to the person who will take the same for the shortest period, and pay the taxes or assessments and interest and fees of collection, and the expenses of such notice and sale. Which said notice shall also be served on all persons and corporations mentioned in said return, by mailing the same to them at least thirty days before such sale. The treasurer shall have the right to charge for preparing the notice of sale, and for his services on such sale, and for making the certificates of sale in the next section mentioned, seventy-five cents on each parcel of land sold, to be included in said expenses. In case, however, any tax or assessment shall be paid after the notice of sale shall have been prepared, and before the sale, the treasurer may charge fifty cents on each parcel of land upon which such tax or assessment shall be so paid, in addition to the expense of advertising.

Notice of
sale of
lands.

Fees of
treasurer.

Sale of
lands and
certificates
to pur-
chaser.

§ 6. At the time and place specified in such notice, the treasurer shall sell the said lands mentioned therein, or any thereof, provided the said tax or assessment, and additions thereto, shall not have theretofore been paid, and shall thereupon, in each case make and execute two certificates of sale, one of which

he shall deliver to the purchaser, and the other he shall file with the village clerk. The said village may become the purchaser of any such real estate, provided there shall be no person at such sale who is willing to become purchaser thereof, and in any such case it shall be the duty of the treasurer to bid in any such real estate, for and in the name of the village, and in case any such sale shall be for unpaid frontage tax or assessment made by the board of water commissioners, for local improvements, as hereinbefore provided, the treasurer shall forthwith pay over to the treasurer of the water board the moneys received on account thereof, and if the said village shall bid in the property in any such case, the treasurer shall pay over to the treasurer of said water board, out of the general fund of the village, the amount of any such frontage tax or assessment as the same may be.

§ 7. The board of trustees of said village may sell and assign any certificate, mentioned in the foregoing section, and running to said village, to any person who will reimburse the said village on account thereof, with interest from the time of such tax sale, at the rate of ten per cent. per annum, and the money received therefor shall be placed to the credit of the general fund. The purchaser or purchasers at any such tax sale shall pay the amount of their respective bids to the said treasurer, within twenty-four hours after the sale, and in case they or either of them neglect or refuse to pay their bids, the treasurer may execute his certificate of sale to such person as will take the same for the shortest period, and pay the sum bid, or to the village of Lansingburgh. Within two years from the time of such sale the owner or owners of any lands so sold, or the holder of any lien thereon, may redeem the same, by paying to said treasurer, for the use of the purchaser, the amount paid by him therefor, with interest at the rate of ten per cent. per annum. Such redemption may also be made of any undivided part of any lands so sold, by the owner or owners thereof, on payment of a proportionate part of the moneys paid therefor by the purchaser on such sale, with interest as aforesaid.

§ 8. If such real estate so sold for taxes or assessments, or any portion thereof, be not redeemed within the term of two years, the treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest

Notice to
mortgagees

in the grantee an absolute estate for the term of years mentioned in his certificate, and such conveyance shall be prima facie evidence of the statements therein contained, in all courts and places in this state. Before any such conveyance shall be made, however, it shall be the duty of the said treasurer, within the last sixty days before the time limited for the redemption of any real estate from the effect of such sale, to cause notice to be given to all mortgagees of the real estate so to be sold, or to their assignees or personal representatives, whose mortgage and the assignment thereof, in case it shall be assigned shall, at the time of the giving such notice, be recorded, as such, in the office of the clerk of the county of Rensselaer. Such notice shall be given by depositing it in the postoffice in said village, directed to such mortgagee, assignee or representative, at their places of residence, if known to the treasurer, or to their places of business, with the postage prepaid thereon and such notice shall contain a brief description of the premises, the date of the sale thereof, when the time for redemption will expire, and the sum to be paid in order to redeem the same; and in case of redemption thereunder, the treasurer shall be entitled to charge an additional fee of fifty cents for each such notice, but he shall not be entitled to more than one fee for notices under any one mortgage.

Fees on red-
emption
thereunder.

Return of
certificates
of sale.

§ 9. When any such conveyance is executed, the certificate of sale, upon which the same is made, shall be returned to the village treasurer, who shall file said certificate in his office as a voucher for the conveyance executed and delivered. It shall also be the duty of the treasurer in all cases of sale to make an entry of the same in the book containing the list of unpaid taxes and assessments, with the description of the property sold, the length of the term or time, and the name of the purchaser and amount paid, under what tax or assessment sold, and the date of deed and name of grantee, and also in case of redemption, date thereof, amount paid and name of party redeeming; which books shall be open for inspection at all reasonable times. The said treasurer shall be entitled to one dollar for preparing and executing such conveyance. And at the expiration of any such term it shall be lawful for any such grantees to remove all buildings and material erected or placed thereon by them, leaving the same properly fenced and inclosed.

Record of
tax sales
and re-
demptions.

Removal of
buildings.

§ 10. Any tax or assessment, legally levied or assessed, by either the board of trustees or by the board of water commissioners of said village, including assessments for local improvements, made by either of said boards, shall be a lien upon the respective pieces of real estate described in the assessment until the same shall be paid.

§ 11. Special taxes.—It shall not be lawful for the board of trustees to borrow any money upon the credit of the village, or to incur any debt or liability, except for the ordinary expenses of the village within the income of the current year, applicable to that purpose, unless the same shall be previously authorized by a vote of the taxable inhabitants of said village, or shall be otherwise provided for by this act. The board of trustees of said village are hereby authorized and empowered to call a special meeting and election of the taxable inhabitants of said village to vote upon the question of raising money by tax for special village purposes. In case such tax shall be authorized at any such meeting or election, it may be added to and collected with the next succeeding annual village tax, or if in the judgment of said board, it shall be deemed necessary, it may be collected at any earlier time. No such special tax shall be levied unless the resolution provided therefor, and which shall state the purpose or purposes, and the amount or amounts required shall be adopted, by at least five affirmative votes of the board of trustees, and such resolution together with the time and place of holding such meeting or election shall be published once in each week during the two weeks immediately preceding such meeting or election in the official newspaper of said village, and if there shall be two newspapers published therein, the publication of said notice shall be in both; in addition thereto, at least fifty copies of said resolution and notice shall be posted at least ten days before such election or meeting, in public and conspicuous places in said village. The poll of any such meeting or election shall be open from sunrise until two o'clock in the afternoon of that day, and the board of trustees shall appoint three of their number inspectors of said election or meeting, one of whom shall act as clerk thereof and keep the poll-list. The said board of trustees, if more than one proposition is submitted, shall cause each to be printed separately on the tickets or ballots to be used at such

Lien of taxes and assessments.

Special taxes.

Special meeting and election.

Collection of tax.

Resolution for special tax.

Publication and posting of resolution and notice.

Conduct of meeting or election.

election or meeting, and an equal number of ballots on each proposition, shall be prepared with the word "for" and "against" printed thereon, respectively, but nothing herein contained shall be construed to prevent any person, entitled to vote at any such meeting or election, writing or otherwise preparing his ticket. The said inspectors shall canvass the vote and certify the result thereof to the board of trustees at their next meeting, and if a majority of the ballots cast at any such meeting or election shall be in favor of any resolution then submitted, the board of trustees shall have the power to raise the amount voted by tax, which shall be assessed, apportioned, collected and enforced in the same manner as the annual tax of said village and shall have like effect.

Levy of tax upon favorable vote.

TITLE IX.

Public and Local Improvements and Assessments Therefor.

Separate road district.

Section 1. All the territory embraced within the limits of the village of Lansingburgh is hereby declared a separate road district and shall be exempt from the jurisdiction, superintendence and control of the commissioners or overseers of highways of the town of Lansingburgh. The board of trustees of said village shall have power, under the limitations and restrictions of this act, to cause streets, avenues and alleys in said village to be opened, and the same, as well as those now open, to be from time to time extended, altered, widened, and to be regulated and kept in good repair. Also to cause any of said alleys to be paved and repaired. Also to cause, as hereinafter provided, any of the streets and avenues of said village to be paved with such material as the board may direct, and to repave the same as occasion may require. Also to cause sidewalks, street and alley crossings and gutters to be graded, paved and curbed as the board may direct; and to cause the same to be kept in good repair and to be repaved or recurbed as may be necessary.

Powers of trustees as to street improvements.

Preliminary assessment for improvements.

§ 2. Whenever any improvement mentioned in the preceding section, other than the opening, widening, extending or altering of streets, avenues and alleys; or the construction of street and alley crossings; or the paving of any of the streets or avenues, shall be ordered by the board of trustees, they shall cause to be made an estimate of the expense of doing the same, and cause the same, together with the expense of publishing the

notices hereinafter provided for, to be apportioned, and charge the same upon the property benefited thereby. In such case the said board shall make or cause to be made a list of such apportionment, in which shall be stated the names of the persons or corporations owning property, in whole or in part chargeable with the expense of such improvement, if the names of the persons or corporations shall be known to them, and if not, then it shall be entered as chargeable to owners unknown. Also a description of the property, which shall be sufficient in case of lots if it gives the number of the lot, and in what division of the village, as designated on the last map of the said village, and the name of the street or avenue where situated; also the amount chargeable to each person or corporation, shall be filed in the office of the village engineer, where it shall be open for ten days to the inspection of any person affected by such contemplated improvement. It shall be the duty of said board to give written or printed notice of such preliminary assessment, which shall refer to the resolution or ordinance by which said improvement is ordered, also the time during which, and the place where, the same can be inspected, and also the time when the board will meet to review and hear any person or corporation deeming themselves aggrieved thereby. Such notice shall, at least ten days before the time fixed for such meeting of the board, be served upon the person, persons or corporations named therein, either personally, or by leaving the same at their respective places of residence or business, unless such assessment shall be made against any property as owner unknown, in which event such notice shall be published once a week for two weeks in the official paper of said village, but in that case such notice shall be served in addition on all other persons named in said assessment, in the manner above provided. The said board shall accordingly meet, and may adjourn, from day to day, if necessary so to do. At such meeting it shall be the duty of the said board to hear any persons interested in said assessment, and feeling themselves aggrieved thereby, and after such hearing and due consideration of any and all objections, suggestions and arguments for or against such apportionment, it shall be their duty to equalize, correct and alter the same when improperly or erroneously applied or apportioned, by increasing or diminishing the respective amounts, as to them shall seem just and proper, which equal-

Notice of
assessment
and hear-
ing.

Hearing of
persons
aggrieved.

Confirmation of assessment

ization, correction or alteration, if any shall be made, or if, in the judgment of the said board, after such hearing, the apportionment shall have been justly and equitably applied and apportioned as originally made, the board shall confirm the same and it shall thereupon become final and conclusive, and the persons, corporations and property charged with such improvement shall be subject to the payment of the respective amounts named therein, and the same shall be a lien upon the property and the real estate named and described in said assessment until the same shall be paid. Said assessment list, with the warrant of the board attached thereto, shall be forthwith placed in the hands of the receiver of taxes, who shall proceed to collect the same in the same manner as village taxes are collected, and the same shall have the like effect, and be enforced in the same manner as such taxes, excepting that the receiver shall not be required to advertise the same unless such assessment or part thereof, shall be against owners unknown, nor shall he be required to post notices, as required by section eight of the act creating the office of receiver of taxes, as amended by chapter two hundred and twenty-one of the laws of eighteen hundred and seventy-six, but he shall forthwith, upon receiving any such assessment, give notice thereof to all persons and corporations named therein, by mailing the same to their respective addresses or places of business. It is further provided that all such assessments, as shall not be paid within thirty days after the same shall have been placed in the hands of the receiver of taxes shall have added thereto, in addition to the fees of the receiver, interest at the rate of six per centum per annum, from the time of the confirmation thereof.

Interest on unpaid assessments.

Rebate.

§ 3. Whenever the amount apportioned shall exceed the actual cost of the improvement, the board of trustees shall declare a rebate, and the excess shall be refunded to the persons who paid their assessment.

Additional assessments.

§ 4. In case any property within the district or area of assessment, is omitted from the original assessment, the board of trustees or the board of water commissioners, as the case may be, may make an additional assessment to include the property so omitted.

Reassessment for deficiencies.

§ 5. In case the amount assessed for any improvement shall be insufficient to cover the cost of such improvement, the de-

iciency shall be apportioned and assessed pro rata upon the property originally assessed, and the board making such assessment may include therein any property which they shall deem benefited by said improvement, but which was omitted from the original assessment, provided that said property is within the district or area of the original assessment. Such reassessment or any additional assessment shall be enforced and collected in like manner as the original assessment.

§ 6. No assessment or reassessment made for the expense of a public or local improvement in said village shall be set aside or held to be invalid because the same may have been or may be made, in terms, against owner or owners unknown, or the estate of a deceased person (naming such person), or the executor administrator, heirs or devisees of a deceased person (naming such person) or against a company or firm name or against the person in whose name is the record, though not the actual owner of the property assessed, or through any cause arising from mistake or ignorance as to the name of the owner, whether an individual or corporation, provided the property assessed is sufficiently described to identify and indicate the particular lot or tract which it was intended to assess. Nor shall any action or proceeding be allowed or maintained to review or set aside any such assessment or reassessment made and confirmed, unless the same shall be instituted within thirty days after the confirmation of such assessment or reassessment. In case any assessment or reassessment shall be declared to be illegal or erroneous on account of any default, defect or irregularity in the manner of making or levying the same, the board of trustees or the board of water commissioners, as the case may be, shall have power and it shall be their duty to cause the same to be relieved or reassessed in a proper manner. If for any reason, involving the legal principles applicable thereto, any part of such assessment, or reassessment shall be set aside by judgment or order of the court, the balance of such assessment or reassessment shall stand as valid. The said boards shall respectively have power, and it shall be their duty, whenever any part of any such assessment or reassessment shall be set aside, to cause such part to be apportioned and assessed upon the property benefited by the improvement and as required by this act in proper proportions.

Certain informalities not to invalidate assessments.

Actions to review or set aside assessments.

Reassessments when assessments declared illegal.

Trustees
may allow
persons to
make im-
prove-
ments.

§ 7. In the cases where it may be done without prejudice, nothing herein contained shall prevent the board of trustees, under proper regulations, from allowing any person or persons where an improvement shall be ordered, to make such improvement within such time as may be designated, which time shall not exceed sixty days from the date of the order or ordinance directing such improvement.

Village
property
not
exempt.

§ 8. No property in said village shall be exempt from assessment for a public or local improvement, if benefited thereby, in the judgment of the board of trustees, or of the board of water commissioners, as the case may be.

Reassess-
ment of
illegal as-
sessments
heretofore
levied.

§ 9. In case any assessment or reassessment heretofore made or levied shall be, or become void, illegal or erroneous for want of jurisdiction, or on account of any irregularity or defect in the manner of levying or making the same, or on account of being declared void, illegal or erroneous by any order, judgment or decree of any court having jurisdiction thereof, the board of trustees or the board of water commissioners, as the case may be, shall have the power and it shall be their duty to cause the same to be levied or reassessed in a proper manner. Where such void, illegal or erroneous assessment has been made for a local improvement in said village, ordered by the board of trustees, or by the board of water commissioners, the reassessment shall be made by the board which made the original assessment.

TITLE X.

Paving Streets and Avenues.

Paving
streets and
avenues

Section 1. Subject to the restrictions in this title contained, the board of trustees shall have power to cause any street or avenue in said village, to be paved, and the sidewalks adjacent thereto to be curbed, with such material and in such manner as the board shall direct, and to cause such streets and avenues to be graded for such purpose. The expense attending such work and improvement, including the expense of making the special assessment upon the property benefited, shall be borne as follows: One-half thereof by the village at large and one-half thereof shall be assessed on the property benefited, including any street railway, or railroad, its rails, ties, roadbed, supports, substructure and superstructure.

Expense,
how borne.

§ 2. No street or avenue shall be paved, unless the owners of more than one-half of the lineal feet of the real estate situated contiguous and adjacent thereto, shall petition the board of trustees therefor, which petition shall be in writing, and the names of those only shall be considered by said board, as to which there is a certificate of acknowledgment. Petition for improvements.

§ 3. Before any such work shall be contracted for or entered upon, it shall be the duty of the board of trustees, to have an estimate made of the cost of grading and laying such pavement and curbstone thereto, and to cause specifications to be made by the village engineer, and after such specifications and estimate have been completed, the board of trustees shall advertise for bids and proposals thereon; such advertisement shall be published daily for one week, in two newspapers published in the city of Troy, to be designated by said board, and shall designate the place where such specification can be seen. Every proposal submitted for such work must be in writing, signed by the bidder, and must be accompanied by a certified check, made payable to the treasurer of the village, for five percentum of the amount of the proposal, which check shall be considered as a guaranty that the bidder will enter into the proposed contract if it is awarded to him, and in case of his refusal or neglect to do so, he shall forfeit such check to the said village as liquidated damages. Upon the said bidder entering into contract if awarded, and furnishing securities as herein provided, the said check shall be returned to him; and the checks of all unsuccessful bidders shall be returned to them on the letting of said contract. All proposals shall be publicly opened at the time and place advertised and the amounts thereof then and there declared, and all contracts shall be awarded only at public session of the board. Estimate of cost and specifications. Proposals for work. Opening of proposals and award of contracts.
But in the event of the failure of the said board to meet at the advertised time and place or within one hour thereafter, the bidders may withdraw their proposals, and present the same at the next stated meeting of the said board, and the same action shall thereupon be had in reference thereto that would have been taken at the advertised time and place, if a meeting of said board had been held. All contracts for any such pavement and curbstone shall be let to the lowest bidder or bidders therefor, unless in the judgment of the board of trustees, the value of the work

for which the proposals have been advertised, is less than the proposals of the lowest bidder, in which event all the proposals shall be rejected, and the said board shall immediately readvertise for new proposals; but no proposal for such work shall be accepted that is not lower than all previous proposals therefor which were rejected. Every contract entered into for any of such last mentioned improvements must be accompanied by a good and sufficient bond in the amount of the contract, signed by the contractor and also by two or more sureties, which sureties shall be freeholders residing within the state of New York, conditioned for the faithful performance of the work on the part of the contractor, and his compliance with the terms and conditions of such contract, and the specifications for such work; such sureties must justify in the aggregate, in amount equal to the contract price. If any street or avenue shall be ordered to be paved other than with granite blocks, the board may provide in the specifications therefor, that the contractor shall guarantee the pavement, and shall agree to keep it in repair for a period to be specified, as a part of the cost of the work, and said board is hereby authorized to enter into such contracts.

Contractor's bond.

Guarantee of pavement.

Connections with sewers and water mains.

§ 4. Before any street or avenue shall be paved, under this title, in which there shall be a public sewer, or public water main or distributing pipe, belonging to the village system of waterworks, it shall be the duty of the board of trustees to pass an ordinance directing and requiring that lateral pipes be laid from any such sewer, water mains or distributing pipes to the inside of the curb line, fronting each lot or piece of land along the line of such street or avenue, where such laterals are not at the time already laid; and upon the adoption of such ordinance it shall be the duty of the board of water commissioners to cause such lateral connections to be made, except in those cases where in the judgment of the board of water commissioners and board of trustees, from the situation of lots or tracts of land, and the purposes for which the same are used, such lateral connections shall be unnecessary. The entire expense of such laterals shall be a lien upon the lots or tracts of land in front of which they shall be respectively laid, and shall be assessed thereupon by the board of water commissioners in the same manner as hereinbefore provided, in the case of improvements of sidewalks and gutters and in like manner enforced.

Expense thereof.

§ 5. Whenever any improvement mentioned in the first section of this title shall be ordered by the board of trustees, one-half of the estimated expenses thereof shall be raised by tax on the village at large, in the manner that the annual village tax is laid and assessed, as provided by this act, but not more than one-third thereof shall be included in the tax levy in any one year. The remaining half of such expense shall be assessed upon the property benefited and as hereinbefore provided, and in making such assessment the board of trustees shall proceed in the manner provided by title nine of this act, and all the provisions of said title shall apply to any such assessment, except as hereinafter provided, and such assessments shall become due and payable immediately upon the confirmation thereof, and shall be enforced and collected in the same manner as other village assessments, and any such assessment may be made and the collection and enforcement thereof proceeded with as soon as any contract, herein provided for shall be made for such improvement.

§ 6. Where any assessment made under the provisions of this title shall exceed thirty dollars, the person or corporation against whose property such assessment is made shall have the option of paying the same in three installments, each of one-third thereof; the first installment with the percentages added shall be paid within ninety days after the same shall be placed in the hands of the receiver of taxes, and if not so paid, the option shall be deemed waived, and the whole assessment shall be then due and collectable, and shall be treated and collected as unpaid assessments. In case such installment shall, with the percentages, be so paid within said ninety days, the second installment shall become due and payable in one year from the date of the confirmation thereof; and if paid, the third installment shall be due in the following year; but if the second installment shall not be paid within thirty days after the expiration of said year when it becomes due, then the whole of the balance of the assessment unpaid shall be due at once. Such installments shall have interest added thereto at the rate of six per centum per annum from the date of confirmation thereof, to the time of payment, if paid, and if not paid, then down to the time of sale of the property therefor, except that interest shall not be added to any first installment, if paid within said thirty days. The receiver of

Record of
assess-
ments and
payments.

taxes shall keep a record of such assessments, and of all payments thereof, or of installments thereof, and of the amount paid, and when the same is paid, and where any person or corporation so assessed shall have availed himself or itself of said option to pay in installments; the receiver shall keep a record in respect thereof, of the name of the person or corporation charged therewith, and the amount and time when the installments become due. The treasurer of the village shall keep a separate account of all moneys, whether received by tax or assessment, for street paving purposes under this title, and shall place to the credit of such fund all such moneys whether collected by him or received from the receiver of taxes, and the latter shall every twenty-four hours pay over to the treasurer all such moneys so received by him. The village treasurer shall execute to the village such additional and further bond, in cases of street paving, in such amount and with such sureties as the board of trustees may, from time to time, direct, and in case of his failure to give such bond or bonds, the moneys received from such taxes, assessments or on the sale of "assessment bonds," as hereafter provided, shall be immediately deposited in some incorporated bank, or banking house in said village, subject to the audit of the board of trustees, signed by the president and counter-signed by the village clerk.

Duty of
treasurer.

Deposit of
moneys
upon fail-
ure to give
bond.

Issue of
bonds.

§ 7. To provide means for the payment of the expense of any such improvement, provided for in this title, the board of trustees, after having contracted for such improvement, in the manner herein provided, is hereby authorized to borrow from time to time, upon the credit of the village, a sufficient sum to meet the payments required to be made under such contract, and to issue the bonds of said village therefor; such bonds shall be signed by the village president and counter-signed by the village clerk, who shall attach thereto the village seal, and such bonds shall run for such time respectively as the board may direct, not exceeding five years, with interest not exceeding five per cent. per annum and the same shall be known as "assessment bonds," and shall not be sold for less than par. The proceeds arising from such bonds shall be turned over to the village treasurer, provided he shall have given and filed the bond provided for by this title, if not, such proceeds shall be forthwith deposited in some incorporated bank or banking-house in said village, subject to the

Disposition
of pro-
ceeds.

audit of the board for the sole purpose of paying the cost and expenses of such improvement.

§ 8. Where any assessment made under this title or installment of assessment shall not be paid, as hereinbefore provided, and shall be returned to the board of trustees by the receiver of taxes as unpaid, the said board may issue its warrant to the village treasurer for the enforcement thereof or may proceed to collect any such assessment of the persons and corporations chargeable therewith by an action in the supreme court or in the county court of Rensselaer county to be brought by and in the name of the village.

Collection
of unpaid
assess-
ments.

TITLE XI.

Opening, Widening, Altering and Extending Streets, Avenues and Alleys.

Section 1. The board of trustees shall have power to cause streets, avenues and alleys in said village, to be opened, widened, altered or extended, as the case may be, and to acquire the land necessary for any such purpose. In such cases the board of trustees shall, on behalf, and in the name of the village, proceed in the manner provided by the Code of Civil Procedure in cases of condemnation of real property, except that no judgment for the compensation awarded owners shall be entered against the village, but upon the confirmation of the final report of the commissioners, the court shall order that the several sums allowed shall be collected by assessment upon the property benefited by such improvement.

Powers of
trustees.

Acquisition
of lands.

§ 2. Upon the confirmation of such report, it shall be the duty of the board of trustees, to apportion and assess the expense of the improvement, as determined by the commissioners, including the expense of the proceeding, and costs, if any, are allowed, upon the lands or premises benefited by the improvement, and to that end the board shall fix an assessment district or area, and any such apportionment or assessment shall be in proportion to the benefits derived by such lands and premises respectively, because of such improvement. The board shall, in making such apportionment or assessment, prepare a list which shall contain the names of the respective owners of the land and premises upon which such assessment is laid, if the same shall be known to the said board; if not known, then to owners unknown. Said list shall also contain a brief description of the

Assessment
of expense.

List to be
made.

premises or of the pieces of land assessed for benefit, also the amount assessed on each piece of land, the assessment to be paid by the owners of the pieces of land assessed respectively, the balance of assessment to be paid by any such owner or owners over any awards made to them respectively. The said board shall serve notice by mail, directed to persons who shall be assessed, at their last known place of residence, and if not known, then by publishing the same in the official paper of said village, once a week for two successive weeks, of the time and place when they will give a hearing to the persons assessed, and who may feel themselves aggrieved, for the purpose of hearing their objections, suggestions and arguments for and against said apportionment, and where said notice shall be served by mail it shall be mailed at least ten days before the time of hearing. Upon or after said hearing, it shall be the duty of said board to equalize, correct and alter said apportionment when improperly or erroneously applied, by increasing or diminishing the respective amounts as to them shall seem just and proper; which equalization, correction or alteration, when so made by said board, increasing or diminishing the amount chargeable to any person named in said list of apportionment, shall be final and conclusive in the premises. Said board shall then confirm said assessment and shall file the same with the receiver of taxes and assessments of said village, together with their warrant for the collection thereof. If in the judgment of said board the lands within the district of assessment are not benefited to the amount of the expense of the proposed improvement, they shall declare that fact, and shall order the proceedings to be discontinued, and all proceedings had in relation thereto shall be null and void.

Notice of
hearing.

Correction
of appor-
tionment.

Confirma-
tion of as-
sessment.

Proceed-
ings when
benefits not
equal to
expense.

Right to
awards
when fixed.

Title, when
vested in
village.

§ 3. Upon the confirmation of said assessment, and not until then, the rights of the owners, or other parties interested in the lands taken, to the awards made to them respectively, shall become fixed; and upon payment of the awards being fully made, or the moneys deposited in court, as herein directed, the fee of the land, free and discharged of dower and incumbrances, shall be vested in the village. The board of trustees shall thereupon be authorized to cause such improvement to be made, and the officers and agents of, and contractors with, said village shall be at liberty to enter upon such lands. If there are adverse and

conflicting claimants to the award, or any part thereof, or if the owner of any such lands and any person holding a lien thereon, by mortgage, judgment or otherwise, cannot agree as to the proportions of any such award which shall be paid to them respectively, or in case any person entitled, shall refuse to accept the amount of such award, less an assessment, if any, the same may be paid into the supreme court by depositing the same with the treasurer of the county of Rensselaer, and in such case the court may determine who is entitled to the same and direct to whom the same shall be paid, and in what proportions, and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made, or give such other directions in the premises as to the court shall seem proper. Whenever the owner of any such lands, or any person or party interested therein, or any person in whose favor any such award shall be reported, shall be under the age of twenty-one years, or of unsound mind, or absent from the said village, and in all cases where the name or names of any such owner, owners or persons shall be unknown, or cannot, upon diligent inquiry by said board, be ascertained, or where there may be any person unknown to said board who is of right entitled to receive such award, then it shall be lawful for the said village to pay the award, or the balance thereof over and above any assessment to be paid by any such person or persons, into the supreme court subject to the order of said court, and such payment shall be as valid and effectual, in all respects, as if made to said owner, owners or persons respectively, and the court shall have power to take such action and to authorize such proceedings, and to give such judgment or order in the premises as shall be effectual to secure and preserve the rights of the said owner or owners, or persons respectively. If, upon payment or deposit being made as aforesaid, any owner of land condemned for such improvement, shall refuse to deliver possession thereof, the court may, upon the application of the board of trustees, cause a writ of assistance to be issued, and it shall be executed in the same manner as when issued in other cases for the delivery of the possession of real property. In case any assessment-list shall afterwards be set aside or declared void for irregularity or other cause, which shall not affect the validity of the awards made for the improvement, it shall be the duty of the

Payment of
awards into
court in cer-
tain cases.

Refusal to
deliver pos-
session of
lands.

New assess-
ment-lists.

Names of
parties in
assessment-roll.

Liens.

Costs and
fees.

Limitation
of liens.

Collection
of assess-
ments.

Payment of
damages.

board of trustees to make out a new assessment-list or report, in the manner herein provided, which further assessment shall be subject in all respects to the provisions relative to the original assessment. It shall be sufficient in making the awards and assessments of damages or benefits under this act, for the commissioners appointed to make the same, and for the board of trustees to state in their assessment-roll respectively, the name or names of the parties interested in each piece or parcel of land assessed for benefit, as said names may appear on the last tax-roll of the village, and all assessments for benefits so made shall be a lien upon the lands so assessed, notwithstanding any error in the name of the parties interested, whether owner, occupant or lienor, the same as if such name was correct.

§ 4. No costs or fees shall be allowed to the village attorney in any such proceedings, except in cases of appeal and confirmation, and then a sum not exceeding fifty dollars may be allowed said counsel by the court, in full for such services; such allowance shall be paid to the treasurer for the benefit of the said village. The fees of the commissioners as fixed by law, and the fees of the clerk of Rensselaer county for searches and any allowance of costs made by the court, shall be entered as a part of the expense, including advertising and postage, and no other expense besides the amount awarded for damages, shall be included in any assessment.

§ 5. All assessments made as aforesaid shall continue and be a lien upon the property assessed from the time of confirmation of the assessment until paid, which lien shall have priority over all liens or incumbrances. All such assessments shall be due and collectable from the time of the confirmation of said assessment; if paid within thirty days from that time no interest shall be charged thereon; but if not paid at the expiration of thirty days, interest shall be added to said assessment at the rate of one per centum per month for each and every month that the same remain unpaid. Such assessment, when completed, shall be collected and enforced in the same manner as is provided in and by this act, in case of assessment for sidewalk improvements.

§ 6. The board of trustees shall pay to the persons, or to the attorney or legal representatives of such persons, to whom damages may have been awarded in the report of the commissioners.

But no such damage shall be paid to any person until he has paid the assessment; if any, against his property made for the expense of the improvement. In all cases where awards are authorized to be paid into court as provided herein, the trustees shall, before making such payment, deduct the amount of the assessment for benefit, if any, made against the property of the person or persons who may be entitled to, or may be interested in the awards, and the balance of such awards shall then be paid by him into court as provided. If any of the land taken includes an entire lot, or the major portion of it, and there are unpaid taxes or assessments against the same, the trustees shall deduct the amount thereof before making or depositing the award therefor as herein provided. In other cases the taxes and assessments covering the portion taken shall be and remain a lien on the part of the same lot or tract which is not taken for the improvement.

Deduction
of unpaid
taxes, etc.

§ 7. Where the land and premises, or any portion thereof sought to be acquired, by the village, for any of the purposes provided for in this title, shall be owned by two or more persons in severalty, or when any infant, lunatic, idiot, habitual drunkard, or other incompetent person, shall be interested therein, or where any owner shall be unknown, or a non-resident of the county of Rensselaer, it shall not be necessary for the village to make any offer to any owner for his title or interest in any such land or premises, or to make any attempt to acquire the same by purchase, but in case the board of trustees should agree with any owner or owners for the purchase, the amount so agreed on shall be assessed upon the property benefited and collected in the same manner as is herein provided in the case of awards by commissioners.

Purchase of
lands.

Section 1. Miscellaneous provisions.—No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the village of Lansingburgh, in any action or proceeding in which the said village is interested.

Compe-
tency of in-
habitants
as jurors,
etc.

§ 2. No civil action shall be maintained by any person against the village of Lansingburgh for damages or injuries to person or property, unless it appears that the claim for which such action was brought, with a full statement of the facts out of

Actions
against vil-
lage for
damages.

which the cause of action arose, duly verified by the claimant, and stating, among other things, the residence by street and number of the claimant, the time when, the particular place where, the circumstances under which the damages or injuries were sustained and the cause thereof was presented to and left with the village clerk, within six months after the happening of the accident or injury out of which such cause of action arose, and that said claim was not audited or paid within sixty days after it was so presented to and left with the clerk of said village. But this section shall not be so construed as to repeal, limit, or qualify any existing law or any statute of limitations applicable to this class of actions, but shall be considered as supplementary thereto and an additional requirement to the right to maintain in such action. The place of trial of all actions against the village of Lansingburgh shall be the county of Rensselaer.

Place of trial.

Judgment against village.

§ 3. No execution shall be issued upon any judgment recovered against the village for the collection thereof. The holder of any judgment against the village shall present a transcript of said judgment to the treasurer, except in case such judgment is stayed by appeal, and if the village shall be in funds applicable thereto, the board of trustees shall pay the said judgment; but in case the village is not in funds applicable to the payment of such judgment, the trustees shall include the amount of the same in the tax levy next to be made.

Designation of city newspaper as official paper.

§ 4. In case there shall, at any time, be no newspaper published in said village, then the board of trustees may designate a newspaper published in the city of Troy as the official paper, and in such event all notices, ordinances or resolutions required, or provided, by this act to be published, may be published in said newspaper.

Terms used defined.

§ 5. The word "his," as used in this act, shall, in all proper cases, be held to include and be coextensive with the words "her" and "it;" and whenever the word "person" is used in this act it shall, in all proper cases, be held to include and be coextensive with the words "persons," "company," "joint stock association," and "corporation." The word "street" shall be held to include roads, and be coextensive with avenues and highways.

Assessment of city property in village.

The real estate owned by the city of Troy and situated within the boundaries of said village, shall not be exempt from assess-

ment for its just and equal share of the expense of any public or local improvement made in said village, and on account of benefits accruing to such real estate or to the said city in consequence of any improvement, but the real estate shall not be sold under any such assessment. It shall be the duty of the financial officers of said city, in case of any such assessment being made, to pay the same or the annual installment thereof, when the same shall, as hereinbefore provided, become due and payable.

§ 6. This act is declared to be a public act, and shall be construed liberally in all courts and places, so as to enable the same to be carried into effect. ^{Public act.}

§ 7. All acts and parts of acts inconsistent with or repugnant to this act, are to that extent hereby repealed, so far as the same relates to the village of Lansingburgh, but nothing in this act contained shall be construed to repeal chapter six hundred and fifty-one of the laws of the year eighteen hundred and seventy, entitled "An act to provide for the election of a receiver of taxes and assessments for the town and village of Lansingburgh in the county of Rensselaer," or of any amendment thereof. ^{Repeal.}

§ 8. This act shall take effect immediately.

Chap. 162.

AN ACT to provide for the construction and maintenance of a system of sewerage in the city of Ithaca.

Accepted by the city.

BECAME a law March 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- Section
1. Appointment of sewer commissioners.
 2. Term of office; compensation and expenses.
 3. Oath of office.
 4. Vacancies.
 5. Officers of the board.
 6. Quorum; place of meeting.
 7. General powers and duties of commissioners.

Section 8. Issue and sale of bonds.

9. Annual tax for payment of principal and interest of bonds.

10. Acquisition of lands and rights.

11. Contracts.

12. Maintenance and repairs, extensions and alterations and assessments therefor.

13. Rules and regulations.

14. Annual report of treasurer and commissioners.

15. Special election.

16. Time of taking effect.

Section 1. Appointment of sewer commissioners.—Within twenty days after the passage of this act the mayor of the city of Ithaca, by and with the advice and consent of three-fourths of the members of the common council thereof, shall appoint four citizens and resident taxpayers of such city to be sewer commissioners, who shall be known as the “board of sewer commissioners of the city of Ithaca.” Two of such commissioners shall be appointed from the political party polling the greatest number of votes cast at the last general election and two from the political party polling the next greatest number of votes at such election. No person holding any other office under the city government shall be eligible to appointment as such commissioner. The mayor shall be *ex-officio* a member of such board.

§ 2. Term of office; compensation and expenses.—The term of office of two of such commissioners shall expire on the first day of January, eighteen hundred and ninety-seven, and of the other two on the first day of January, eighteen hundred and ninety-nine, and thereafter, their successors shall be appointed for a term of four years. But the two commissioners whose terms of office shall expire on either of such dates shall not belong to the same political party. The mayor in making such appointments shall designate the term for which each commissioner shall serve. Each commissioner shall continue in office until his successor shall have been appointed and shall have qualified. The successor to any commissioner whose term of office shall expire as provided in this section shall belong to the same political party as the commissioner whom he succeeds. The commissioners shall receive no compensation for their services as such com-

missioners, but all necessary expenses and disbursements incurred in transacting the business of such board and in the performance of their duties shall be paid in the same manner as other charges for the construction and maintenance of such sewer system.

§ 3. Oath of office.—Each commissioner, before entering upon the duties of his office, shall take the oath of office prescribed by the constitution of this state and file the same with the city clerk.

§ 4. Vacancies.—Any commissioner may be suspended from office by the mayor upon written charges preferred against him and after giving him an opportunity to be heard. The mayor shall report the fact of such suspension and the reasons therefor at the next regular meeting of the common council, and if three-fourths of such common council shall approve of such suspension, such commissioner shall be removed from office, otherwise his suspension shall cease. In case of a vacancy in the office of any such commissioner by death, removal, resignation, disqualification or any other inability to serve, such vacancy shall be filled by the mayor, by and with the advice and consent of three-fourths of the common council, and the person thus appointed to fill such vacancy shall belong to the same political party as the commissioner whose office is vacated.

§ 5. Officers of the board.—The mayor shall be ex-officio president of such board of sewer commissioners, and when present shall preside over the meetings thereof, but shall take no part in the proceedings, except that as president of such meetings he shall have a casting vote in case of a tie. If the mayor shall be absent from a meeting, the board may choose one of their number to preside thereat. Such board shall appoint a treasurer and secretary and fix the compensation to be paid to each. Such officers shall not be members of the board and shall hold their offices during the pleasure of such board. The treasurer shall give a bond to the city of Ithaca for the faithful performance of his duties and to account for all money, bonds and other property intrusted or placed in his hands as such treasurer in the penal sum of twenty-five thousand dollars, and with at least four sureties, to be approved by the board of sewer commissioners. Such board shall also have power to employ a superintendent and such engineers, inspectors and other assist-

ants as they may deem necessary to take charge of and to oversee the work of constructing the sewers and to prepare detailed plans of the work, if required, whose compensation shall be fixed by such board and who shall be paid by the treasurer thereof as a part of the expense of the construction of such sewer. Such board shall prescribe the powers and duties of all officers and employes appointed by them. The members of the board, the superintendent, or any other officer or employe of the board shall not be directly or indirectly interested in any contract for work upon such sewer construction or maintenance, nor shall he furnish any materials to be used therein to any contractor or other person engaged or interested in such construction or maintenance.

§ 6. Quorum; place of meeting. — A meeting* a majority of the members of the board of sewer commissioners shall be necessary for the transaction of business by such board, but less than a majority thereof may legally adjourn in case there should not at any time be a quorum present. All contracts requiring the expenditure of money shall be made with the concurrence of a majority of such board. The common council shall provide a suitable place for holding the meetings and transacting the business of such board.

§ 7. General powers and duties of commissioners. — The board of sewer commissioners shall adopt such plans for a system of sewer construction for the city of Ithaca as may be best adapted to the requirements of such city, and which shall be approved by the state board of health, which plans and system shall conform so far as practicable to those adopted at a public meeting of the citizens held in the city of Ithaca on October fifteenth, eighteen hundred and ninety-four. A map of the plan of the sewer system, as adopted by them, showing the size of the sewer pipes to be used, the location of the sewers and conduits and the general character of such plan, shall be filed in the office of the city clerk and at all reasonable times be open to public inspection upon the demand of any taxable inhabitants of such city. They may cause to be made such other maps as may be necessary for the letting of contracts and other purposes in the construction of such sewer system. They may construct such system of sewerage in accordance with the plans and specifications so adopted,

* So in the original.

and shall have charge of its maintenance and repair when constructed. They shall audit all bills incurred in the construction, alteration, extension, maintenance and repair of the sewers of the city of Ithaca.

§ 8. Issue and sale of bonds. — Such board of sewer commissioners may issue bonds of the city of Ithaca to an amount not exceeding the sum of one hundred and fifty thousand dollars and expend the proceeds thereof in constructing such system of sewerage and for carrying out the provisions of this act. But no greater amount of such bonds shall be issued in any one year than is necessary to pay for the portion of such system constructed during such year. Such bonds shall be issued upon the credit of the city of Ithaca and bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of January and July of each year. None of the principal shall be payable within ten years, but after the expiration of that time seven thousand five hundred dollars of the principal shall be payable annually. Such bonds shall be coupon bonds, consecutively numbered, in denominations of one thousand dollars and five hundred dollars each, signed by the mayor of the city and a majority of the members of the board of sewer commissioners, attested by the city clerk under the official seal of the city. Such bonds shall be payable, principal and interest, at some place to be designated therein. A record of such bonds, showing the number, rate of interest and time when and place where payable shall be kept by the treasurer of the board. The bonds shall be sold upon the demand of the board of sewer commissioners, by the treasurer thereof, at public sale, to the highest bidder at not less than par. Not less than two weeks previous notice of the time and place of such sale shall be given by publication at least once in each week in two or more newspapers published in the city of Ithaca, and in such other newspapers as the board may designate. The proceeds of the sale of such bonds shall be paid to the treasurer of the board of sewer commissioners and deposited by him in banks designated by the board. All payments from such deposits shall be made by the treasurer upon the order of a majority of the board of sewer commissioners. Such bonds and the proceeds are to be used solely for the purposes set forth in this act, and with principal and interest shall be a lien upon all the taxable property of such city,

real and personal, which property is hereby pledged for their payment.

§ 9. Annual tax for payment of principal and interest of bonds.—The common council of the city of Ithaca shall include in the tax levy and cause to be collected each year for ten years after the issue of such bonds a sum sufficient to pay the interest on all such bonds as have been negotiated or sold by such commissioners. After the expiration of such term of ten years the common council shall annually raise, as aforesaid, until all the bonds are paid, the sum of seven thousand five hundred dollars, together with a sum sufficient to pay the interest on the bonds unpaid.

§ 10. Acquisition of lands and rights.—The commissioners may take by grant, purchase, gift or condemnation and may appropriate for the construction and maintenance of such sewer system, such lands and waters within or without the city of Ithaca and all such rights or easements in such lands and waters and in the streets, lanes and alleys thereof as they may deem necessary, and they may enter upon, take, use and occupy the same. If such commissioners are unable to agree with the owners of such lands or rights as to the price to be paid therefor, they may acquire title to such property in the manner prescribed by title one of chapter twenty-three of the Code of Civil Procedure, known as the condemnation law. All such property so taken or acquired shall thereafter belong to the city of Ithaca, and a record of such transactions with a description of such property shall be filed in the office of the city clerk.

§ 11 Contracts.—The work of the construction of such system of sewerage and the furnishing of materials therefor shall be by contract let to the lowest responsible bidder, upon plans and specifications determined upon and adopted by such board, and upon such terms and conditions as may be prescribed by them. The board of sewer commissioners shall advertise for proposals for the construction of such sewers and for the furnishing of the materials therefor, under one contract or in parts or sections under several contracts, as may be most advantageous to the interest of the city, at least once a week for two weeks successively in two or more newspapers published in such city and in such other newspapers as they may designate. Such board may require a bond or deposit to be made by each party

submitting such proposals as a guarantee of the good faith of such party, which deposit shall be forfeited to the city, or the liability upon which such bond shall accrue in favor of such city, if the party making such proposal shall refuse to enter into a contract in accordance therewith, if such proposal shall be accepted. Whenever in the opinion of such board, the lowest bid is too high, or its acceptance would not be to the interest or advantage of such city, it may be rejected and such board shall thereupon re-advertise for new bids or proposals in the manner provided by this section. All such contracts shall be executed in triplicate, one of which shall be filed in the office of the city clerk, one retained for the use of such commissioners and one delivered to the contractor. Such board of sewer commissioners shall require each contractor performing work or furnishing material for the construction of such system of sewerage to give sufficient security to be approved by such board, for the faithful performance of such contract according to its terms, and to indemnify such city and board of sewer commissioners from damage or loss occasioned by the negligence of such contractor, his assigns, servants, agents or employees. The superintendent, appointed by the commissioners pursuant to this act, shall oversee the construction of the sewers and before the claim of any contractor upon any such work shall be audited by the commissioners, a certificate shall be made by such superintendent, to the effect that such sewer has been in all respects properly constructed in accordance with the contract, which certificate shall be filed with the secretary of the board. Such board of sewer commissioners shall not, in the construction of said sewers, incur any liability or contract any indebtedness as such commissioners in excess of the amount for which they are herein authorized to issue bonds, together with the amounts levied and assessed on local owners for improvements as provided by the next section.

§ 12. Maintenance and repairs ; extensions and alterations and assessments therefor. — Such commissioners shall have charge of the maintenance and repairs of such system of sewerage when constructed. They shall in each year, on the first day of January, or as soon thereafter as practicable, submit to the common council a detailed statement of the amount necessary for the then current year to pay the expense of such maintenance and

repairs, and the common council shall cause such sum to be raised by levy and collection of a tax in the same manner as other taxes are raised for public purposes. And such commissioners may include in such estimate to the common council the expense of specified extensions or alterations of the system of sewerage when, in their opinion, such extensions or alterations are necessary; and the common council may take such steps as are required by law or by the charter of the city to make such extensions or alterations, and if so made the common council shall include the amount in the next annual tax levy, and when collected it shall be paid to the treasurer of the board to be used by the commissioners for the purposes specified in such statement of estimates and under their charge and supervision. Whenever it shall appear to the commissioners that property in localities through which such system of sewers or the alterations or extensions thereof are constructed is especially benefited thereby, they may report such fact to the common council, who may provide for assessments on such property in the manner prescribed by title six of the charter of the city of Ithaca. All contracts for such repairs, extensions and alterations exceeding in amount the sum of one hundred dollars shall be let by contract in the manner prescribed in this act for the construction of such sewer system.

§ 13. Rules and regulations.—Such commissioners shall have the entire control of the use and operation of such system of sewerage and may make such rules and regulations in relation thereto as they may deem necessary, and provide for the enforcement of the same by the infliction of penalties for their violation. All such rules and regulations shall be published at least once in a daily newspaper in such city and at such other times and in such manner as the commissioners may prescribe.

§ 14. Annual report of treasurer and commissioners.—The treasurer of such board of sewer commissioners shall, on the first day of January of each year, make a report to the board containing a detailed statement of all moneys received and paid out by him during the year preceding, and the sources from which the receipts were derived and the purposes to which they were applied. The commissioners may at any time require a report of such treasurer relating to any receipts and expenditures made by him. Within ten days after the making of such annual

report by the treasurer, the commissioners shall make to the common council of the city of Ithaca a report of all their transactions during the preceding year, which shall contain an account of what has been done by them, of the money received and the source from which it came, with a detailed statement of their expenditures.

§ 15. Special elections.—A special election shall be held at a place in the city of Ithaca designated by the common council, at a time to be selected by the board of commissioners, a notice of which shall be published in at least two of the newspapers published in such city for a period of three weeks prior to such time, to determine whether such city shall issue the bonds and construct the sewers as provided in this act. The ballots cast thereat shall be indorsed "construction of sewers and issue of sewer bonds for not exceeding one hundred and fifty thousand dollars," and shall have written or printed on the inside thereof the words "for the construction of sewers and the issue of sewer bonds for not exceeding one hundred and fifty thousand dollars," or "against the construction of sewers and the issue of sewer bonds for not exceeding one hundred and fifty thousand dollars." The common council shall choose two of their number to act as inspectors at such election. Every resident of the city of Ithaca of the age of twenty-one years, whose name shall be on the assessment-roll made by the assessors of such city next preceding such special election, and upon whose property or upon whom, as the owner or possessor of property, a tax shall be imposed by such roll, and no other person, shall be entitled to vote at such special election. But every trustee, guardian or other person mentioned in such roll as the possessor or representative of property assessed therein shall, if a resident of such city and twenty-one years of age, be a qualified voter in respect to the property so represented. Such assessment-roll shall be evidence of the qualification of voters at such election. The inspectors shall canvass and declare the result of such vote, which shall be certified by them and filed in the office of the city clerk.

§ 16. This act shall take effect immediately.

Chap. 163.

AN ACT to amend chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Ithaca," relative to taxes and assessments.

Accepted by the city.

BECAME a law March 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Charter amended.

Section 1. Section one of title five of chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Ithaca," as amended by chapter three hundred and eighty of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

General city tax.

§ 1. The common council shall have power in each year to cause a sum not exceeding forty-five thousand dollars to be raised by general tax from the taxable inhabitants of said city on the property therein liable to taxation; but the amount to be so raised in any year may be increased to sixty thousand dollars by a special election called and conducted in the same manner as a special election for determining upon raising money for an extraordinary or a special purpose as provided by this title. On the ballots for such special election shall be written or printed or partly written and partly printed on the inside thereof the words "for a budget of sixty thousand dollars" or "against a budget of sixty thousand dollars." If a majority of the votes at such election shall be in favor of a budget of sixty thousand dollars such amount shall be raised in pursuance to this section. On or before the first of May in each year the common council shall designate how much of such total amount shall be expended for each of the following purposes, namely: For the payment of the expenses of the police department, including the salary of recorder, chief of police and policemen, rent of police stations and all other expenses thereof, to be known as the police fund; for the paving, repairing and keeping in order the highways, streets, crosswalks, sewers, open courts, squares, market places, lanes, alleys and public grounds other than cemeteries and parks and the salary of the city superintendent, to be known as the

Special election for increase of tax.

Annual designation of amounts for funds.

highway fund; for the construction, maintenance and repair of bridges and culverts, straightening, restraining and improving creeks, to be known as the bridge and creek fund; for the maintenance, repair and keeping in order the public parks and cemeteries, to be known as the park and cemetery fund; for the operation and maintenance of the fire department, including the cost of water supply, to be known as the fire department fund; for the lighting of the streets of said city and expenses incidental thereto, to be known as the lighting fund; for the payment of salaries of officers not otherwise provided for, and the other contingent expenses of said city, to be known as the salary and contingent fund; and the sums expended in each year for the several purposes named shall not exceed the amounts so designated, except in case of unforeseen emergencies.

Expenditures not to exceed amounts designated.

§ 2. This act shall take effect immediately.

Chap. 165.

AN ACT to amend section five hundred and fifty-three and section five hundred and fifty-four of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," and to provide for the making and use of diphtheria antitoxine and other antitoxines, and the establishment of a fund in relation thereto.

Accepted by the city.

BECAME a law March 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five hundred and fifty-three and section five hundred and fifty-four of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," are hereby amended so as to read as follows:

Consolidation act amended.

§ 553. For the purpose of more effectually preventing the spread of smallpox by the thorough and systematic vaccination of all unvaccinated persons, and for the relief of persons suffer-

Corps of vaccinators and other physicians.

Collection
of virus,
production
of anti-
toxines, etc.

Gratuitous
vaccina-
tions, use
of anti-
toxines, etc.

Sale of sur-
plus virus
and anti-
toxines.

Avails, how
applied.

ing with diphtheria and other infectious diseases, residing in said city, the said board is hereby empowered to continue or organize a corps of vaccinators and of other physicians, within and subject to the control of the bureau of sanitary inspection, to appoint the necessary officers, keep suitable records, collect and preserve pure vaccine lymph or virus, and produce diphtheria antitoxine and other antitoxines, and add to the sanitary code such additional provisions as will most effectually secure the end in view. Said board may take measures, and supply agents, and afford inducements and facilities for general and gratuitous vaccination, disinfection, and for the use of diphtheria antitoxine and other antitoxines, and may afford relief to and among the poor of said city as in its opinion the protection of the public health may require.

§ 554. Whenever the amount of vaccine lymph or virus, collected by the said corps, or of diphtheria antitoxine and other antitoxines produced, shall exceed the amount required in the proper performance of its duties, the said board of health may authorize the sale of such surplus lymph or virus, and diphtheria antitoxine and other antitoxines at reasonable rates, to be fixed by said board. The avails of such lymph or virus and diphtheria antitoxine and other antitoxines shall be accounted for and paid to the chamberlain, and shall be set apart and constitute distinct funds, to be known respectively as "the fund for gratuitous vaccination," and "the antitoxine fund," and they shall be subject to the requisitions of said board for the purposes named in the preceding section.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT for the relief of Sophia G. Vandervoort, widow of Charles Vandervoort, deceased, her successors or assigns.

BECAME a law March 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Action
against
city author-
ized.

Section 1. Sophia G. Vandervoort, widow and executrix of Charles Vandervoort, late of the city of New York, deceased, her successors or assigns, are hereby authorized to commence an

action in the supreme court of this state against the mayor, aldermen and commonalty of the city of New York, to recover any moneys due and unpaid to said Charles Vandervoort in his lifetime for or growing out of the erection of a market in the eighteenth ward of said city; and to prosecute such action to final judgment on the merits, any statute, law or decision to the contrary notwithstanding. Such action, on motion of either party thereto, shall have the preference provided by section seven hundred and ninety-one of the code of civil procedure.

§ 2. No audit of the claim of said Vandervoort, his successors or assigns, by the mayor and comptroller or either of them or any other person or persons, shall be necessary before the commencement of such action, nor shall any rejection of or refusal or failure to allow or audit said claim by any officer or officers of the city be any defense to said action, which action shall be prosecuted to final judgment in the same manner and with the same effect as if such audit or rejection had not been made. Audit or rejection of claim not required.

§ 3. The time intervening between the passage of chapter three hundred and eighty-three of the laws of eighteen hundred and seventy, and the repeal thereof by the passage of the present act, shall not be nor be held by the court to be any part of the time limited by law for commencing said action nor any action to recover the claim of said Vandervoort. The omission of said Vandervoort or his executrix during such intervening time to commence or prosecute any action to recover such claim shall not constitute any defense to, or be held in any wise to prejudice such claim. Limitation of time.

§ 4. The action hereby authorized may be commenced and prosecuted to final judgment upon the merits in the same manner and with the same effect as if the same had been commenced immediately after the said market was created. The plaintiff in the action hereby authorized shall be entitled to judgment therein for such sum of money, if any, as was justly due said Charles Vandervoort for the erection of said market, with interest from the time when it was so due, any audit, judgment, decision, record or proceeding to the contrary notwithstanding. Prosecution of claim upon merits.

§ 5. All acts or parts of acts inconsistent with this act are hereby repealed. Final judgment.

§ 6. This act shall take effect immediately.

Chap. 168.

AN ACT to authorize the procuring of new grounds and the erection thereon of buildings for the use of the college of the city of New York, and to provide the means to pay for the same, and giving authority to its trustees.

Accepted by the city.

BECAME a law March 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Selection of site.

Section 1. The board of trustees of the college of the city of New York is hereby authorized and empowered to select and acquire, in the name, and on behalf of the mayor, aldermen and commonalty of the city of New York, a site for a new building or buildings for the uses and purposes of said college. Such site shall be within the boundaries of the city of New York.

Survey and map of lands.

§ 2. When such site has been selected the said board of trustees shall cause a survey, map or plan thereof to be prepared, which shall be filed in the office of the register of the city and county of New York, and a true copy thereof shall be likewise filed in the office of the clerk of said board of trustees. And it shall be lawful for the duly authorized agents of said board of trustees and all persons acting under its authority and by its direction, to enter, in the day time, into and upon all lands, tenements and hereditaments which it shall be necessary to enter into and upon, for the purpose of making such survey, map or plan.

Contract for purchase of site.

§ 3. Upon the selection of such site and the filing of such map, the said board of trustees may and they are hereby authorized in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, to enter into contract with the owner or owners of said site for the purchase thereof at a price or prices to be approved by the board of estimate and apportionment of said city as the reasonable value thereof and not exceeding in the aggregate six hundred thousand dollars. If, within thirty days after such site shall be selected and such map shall be filed, the said board of trustees shall not be able to agree with the owner or owners of such site for the purchase thereof as hereinbefore provided, the said board may and shall in the name

Proceedings to acquire title.

and on behalf of the mayor, aldermen and commonalty of the city of New York, proceed to acquire the title to and the ownership of the lands constituting such selected site. The proceedings to acquire such title and ownership shall be the same as or conform as nearly as may be to the proceedings prescribed in sections two to seven, inclusive, of chapter one hundred and ninety-one, of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the acquisition of sites for school buildings by the board of education of the city of New York," the same as if the words, "board of trustees of the college of the city of New York," were used in said sections of said act in the place and stead of the words, "board of education," and with like force, authority and effect.

§ 4. Upon the execution of the contract or contracts to purchase such site, made with the owner or owners thereof as hereinbefore authorized, or on the final confirmation of the report of the commissioners of estimate appointed in the proceedings to acquire such site, and upon application of the said board of trustees, the comptroller of the city of New York shall issue bonds in the name and on behalf of the mayor, aldermen and commonalty of the city of New York, to an amount sufficient to pay the contract price or the damages for compensation for such site, and for the expense incurred in the proceedings to acquire title to the said site, including the fees of the commissioners of estimate and the compensation of their employes and all necessary expenses in and about the proceedings provided for by this act, and all reasonable expenses incurred by the counsel to the corporation in examining the title to said site, and in said proceedings for and on behalf of the said board of trustees, and the said mayor, aldermen and commonalty of the city of New York. Said bonds shall run for such term of years as said comptroller shall direct, but for not longer than twenty years, and shall draw interest at not more than three per cent. per annum. Upon said bonds being issued the comptroller of the city of New York shall invite proposals therefor by public advertisement not less than ten days, and shall award the same to the highest bidder, provided that no proposal or proposals for said bonds shall be accepted for less than the par value of the same; and said proposals shall be publicly opened by the comptroller in the presence of the com-

Issue of
bonds.

Sale there-
of.

missioners of the sinking fund, or such of them as shall attend at the time and place specified in said advertisement. The said comptroller, with the approval of said commissioners shall determine what, if any, part of said proposals shall be accepted, and upon the payment into the city treasury of the amounts due by the persons whose bids are accepted, respectively, certificates therefor shall be issued to them as authorized by law.

Payment of
contract
price or
damages.

§ 5. On the receipt by the comptroller of the city of New York of the proceeds of the sales of the said bonds, and within thirty days after the final confirmation of the report of the said commissioners of estimate, or in case of voluntary purchase upon delivery of proper deed or deeds, the said comptroller shall pay out of said proceeds the aforesaid contract price, damages, expenses, fees and compensation, to the respective persons to whom the same may be due.

Erection of
buildings.

§ 6. The said board of trustees of the college of the city of New York is hereby authorized and directed as soon as practicable after the title to said site is vested in the mayor, aldermen and commonalty of the city of New York, to build and construct thereon at a total cost of not exceeding five hundred and seventy-five thousand dollars, or of such greater sum as shall be approved by the board of estimate and apportionment of said city, a building or buildings for the use and purpose of said college. The said board of trustees is hereby also authorized from time to time thereafter, to build and construct upon said site such other building or buildings for the uses and purposes of said college as said board of trustees shall deem necessary or requisite and as shall be approved by the said board of estimate and apportionment. Such buildings shall be built and constructed upon plans and specifications therefor to be adopted and approved by said board of trustees. And the said building shall be built by contract entered into by said board of trustees after advertisement for proposals therefor. All the provisions of law and ordinance and of the rules and regulations of the board of education of the city of New York relative to advertising for and receiving proposals and entering into contracts for the building of public schools in the city of New York shall be and are hereby made applicable to the awarding of and entering into the contract or contracts for the building and construction of said buildings

Contract
therefor.

and each of them. And the cost of such buildings and of each of them shall be provided for and shall be paid for out of the proceeds of bonds of the city of New York, which shall be issued and sold in the manner hereinbefore prescribed for the issuing and sale of bonds to pay for the said site.

§ 7. In order to provide, so far as the proceeds of the sale hereinafter authorized shall permit, means to meet the payment of the bonds and other expenses hereinbefore authorized, the buildings and grounds now used and occupied by said college, shall, on the completion of said building or buildings or of so many of them as shall be sufficient to accommodate the said college, and on the removal of said college to the same be sold in such manner and upon such terms and conditions as the commissioners of the sinking fund of the city of New York shall prescribe. And the proceeds of such sale after paying thereout all the expenses of such sale, shall be paid into the sinking fund of the city of New York.

§ 8. The library and museum belonging to the college of the city of New York, after the same are removed to the new buildings herein provided for, may be opened to the public on such days, at such hours, and under such reasonable rules, regulations and restrictions as the trustees of said college shall from time to time prescribe. And said trustees are hereby authorized and empowered to give or cause to be given, free public lectures on literary and scientific subjects in said library and museum, or in such other room or rooms in said new buildings as they from time to time may designate for the purpose. The said trustees are hereby empowered to make all necessary and proper rules and regulations as to subject, time and place of such lectures. The said trustees may also from time to time provide and set apart and designate rooms in said new buildings to be used under such regulations as they may prescribe for meetings of the teachers of the common schools in said city and of scientific and literary societies.

§ 9. This act shall take effect immediately.

Chap. 173.

AN ACT fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie.

BECAME a law March 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Fiscal year.—The fiscal year for the county of Erie shall begin on January first, and the accounts of all county officers and county institutions shall be kept accordingly.

§ 2. County auditor.—There shall be in the county of Erie a county auditor, who shall be elected at the general election held in November, eighteen hundred and ninety-five, and who shall take his office January first, eighteen hundred and ninety-six, and who shall be a resident freeholder of such county, and shall hold his office for a term of four years, and until his successor has duly qualified. No person elected as county auditor shall be, when he enters upon his duties, a member of the board of supervisors, nor shall he, while holding such office be eligible to election as supervisor. The county auditor first elected under this act shall hold his office for a term of four years from January first, eighteen hundred and ninety-six. Before entering upon the duties of his office he shall take the constitutional oath of office and execute to the county of Erie a good and sufficient bond, to be approved by the county judge in a sum to be fixed by the board of supervisors, conditioned upon the faithful performance of his duties. The annual salary of such county auditor shall be determined by the board of supervisors at a sum not exceeding twenty-five hundred dollars. Such oath and bond shall be filed in the office of the county clerk. The trustees of the city and county hall shall provide suitable rooms to be used by such auditor as an office. The board of supervisors may, when in their discretion the business of the county auditor's office so requires, authorize the county auditor to appoint a clerk at a salary to be fixed by said board not exceeding twelve hundred dollars per year.

§ 3. Duties of county auditor.—The county auditor shall examine and report upon all accounts or claims against the

county for work, labor, services, merchandise, or materials, furnished the county before the same shall be audited and ordered paid by the board of supervisors; he shall ascertain, before reporting to the board of supervisors, whether such accounts or claims and the prices charged therein are just and true, and whether the prices charged and the quality of the merchandise furnished are in accordance with the contract or agreement therefor, if any such contract or agreement has been made, and whether the work, labor and services, have been performed and the merchandise or materials delivered, and shall attach a certificate to each claim or account, stating the result of his examination, and if it is advised by him that any such account or claim be rejected or modified, stating the reasons for such rejection or modification. Such account or claim, with the certificate attached thereto, shall be filed in his office, and shall, during office hours, be open to public inspection. The auditor shall cause to be kept in his office such books as are necessary to contain all claims and accounts against the county presented to him for examination, and the action taken by him on each, and a record of the money appropriated by the board of supervisors for the benefit of the county institutions and officers and the amount drawn thereon, and a record of all contracts or agreements made for supplies to be furnished any county institution or county office. Whenever any account or claim, except pay-rolls, payable out of an appropriation therefor, is presented to the county auditor for his examination, he shall state in his report thereon to the board of supervisors the balance remaining to the credit of that appropriation.

§ 4. County officers and employes ; how paid.—Before presentation to the county auditor of claims or pay-rolls for services rendered the county, or for salaries by any county employe or county officer, such claim shall be certified by the county officer employing such person to the effect that such person was regularly appointed to the position held by him, that the services specified were actually performed, and that the compensation demanded in such claims and the amounts contained in said pay-rolls are correct. Upon the presentation of such claims or pay-rolls, to the auditor, by the several county officers he shall examine the same and report thereon to the board of supervisors and a certified transcript of such claims or pay-rolls as allowed

shall be made by such auditor and delivered to the county treasurer. All county employes and county officers shall be paid monthly upon such warrants by the county treasurer. All original pay-rolls and claims for services shall be filed in the office of the county auditor, and the transcripts thereof in the office of the county treasurer.

§ 5. Filing and verification of accounts, warrants and receipts.—All accounts or claims presented to the county auditor for examination by any keeper of a county institution, county official or other person shall be in duplicate, one of which shall be kept on file in the office of such keeper or official, and the other filed in the office of the county auditor. Each account or claim presented to the county auditor for examination shall be verified by the person presenting it to the effect that it is just, true and correct, and that no part thereof has been paid or otherwise settled, and that the prices charged in such account or claim are reasonable and just, and if there is any contract or agreement therefor, that they are in accordance with such contract or agreement, a copy of which must be attached to said account or claim. All warrants upon the county treasurer for the payment of any claim examined by the county auditor and ordered paid by the board of supervisors, shall be drawn by the clerk of such board and countersigned by the chairman thereof and by the county auditor. There shall be attached to each verified bill presented to the county auditor for examination, a receipt which shall be signed by the person receiving the warrant for the amount of such bill, and be placed on file in the office of the county auditor.

§ 6. Purchase of supplies by county institutions and officials.—Keepers of county institutions and county officials may purchase for the use of such institutions or offices all supplies necessary for their support and maintenance, all accounts for which shall be presented to the county auditor to be examined by him, as prescribed in this act. If directed by the board of supervisors, with or without the recommendation of the county auditor, supplies for such county institutions or officers shall be purchased under contract let to the lowest bidder, upon a notice publicly announced in a manner and form prescribed by the board of supervisors. The keeper of a county institution, a county officer or the county auditor shall not be directly or indirectly inter-

ested in any contract or purchase of supplies by any such keeper or county official. All written contracts or agreements for supplies for any institution or office, shall be made in duplicate, one copy of which shall be filed forthwith in the office of the county auditor, and one copy in the office of the keeper of the county institution or county office for which such contracts are made.

§ 7. Reports and estimates by keepers and officers.— The keepers of the county institutions and the county officers shall annually submit to the board of supervisors on or before October fifteenth of each year, an estimate of the amount necessary to be expended for supplies for the support and conduct of such institutions or offices during the year beginning January first, following. They shall include in their annual report to the board of supervisors the quantity of supplies used by them and the amount paid therefor, during the preceding year, ending December thirty-first, and also a full statement of all contracts made by them for supplies and all facts as shall be required to show whether such contracts were reasonable and just; and shall state the action of the county auditor and of the board of supervisors thereon. The board of supervisors may call upon any such keeper or officer for a further or more detailed report, or for further information on any subject embraced in the report. The board of supervisors or a committee appointed for that purpose may investigate any such report or any contract or agreement for supplies at any time. Upon such examination such board or committee shall have power to subpoena witnesses and to compel their attendance, with or without books and papers.

§ 8. Repeal.— Chapter one hundred and three of the laws of eighteen hundred and eighty-three, chapter three hundred and eighteen of the laws of eighteen hundred and eighty-five, and chapter two hundred and thirty-five of the laws of eighteen hundred and eighty-eight, are hereby repealed.

§ 9. Time for taking effect.— This act shall take effect January first, eighteen hundred and ninety-six, except that the county auditor herein provided for shall be elected at the general election in November, eighteen hundred and ninety-five, who shall hold his office from January first, eighteen hundred and ninety-six, as prescribed in section one of this act.

Chap. 174.

AN ACT to amend chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-six, as amended by chapter six hundred and twenty of the laws of eighteen hundred and ninety-three, relating to the office of supervisor of Erie county.

BECAME a law March 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section one of chapter two hundred and thirty-one of the laws of eighteen hundred and seventy-six, as amended by chapter six hundred and twenty of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

Salary and fees of supervisors.

§ 1. Each supervisor now or hereafter elected for any town or ward in the county of Erie, shall receive a compensation for his services as member of the board of county canvassers and as supervisor, an annual salary of five hundred dollars, besides travel fees at the rate of eight cents a mile for each mile actually traveled in going to and returning from the place of meeting once in each week during any meeting or session of the board of county canvassers or the board of supervisors, on the most usual route, and besides the fees now allowed by law for copying or extending their assessment-roll, the salary to be payable monthly from the treasury of said county and the mileage and fees for copying or extending their assessment-rolls on the last day of the annual session of said board in each year. And no such supervisor shall receive any other or greater sum for his fees or services except when employed and actually rendering service on any committee of said board by its direction, when said board is not in session, he may charge for and receive at the rate of three dollars for each day's service thus actually performed, and mileage at the rate of four cents per mile, and except also for services rendered in towns which are by law a town charge; provided, however, that no supervisor shall receive in the aggregate to exceed one hundred dollars for services on committees, or to exceed fifty dollars for mileage for attendance on committees in any year. No supervisor shall serve upon or be a member of any special

or standing committee of the board of supervisors, after his term of office shall have expired, and immediately upon such expiration the place of such supervisor upon any such committee shall become vacant.

Service on committee after term prohibited.

§ 2. Such chapter is hereby further amended by inserting a new section therein, to be known as section four, and to read as follows:

§ 4. The board of supervisors of the county of Erie shall meet on the first Tuesday of January of every year for the purpose of organization, and on the first Tuesday in each other month of every year, and at such other times as said board may, by resolution adopted by a majority vote direct, and said board at all such meetings shall have the power to perform such duties as are imposed upon it by statute. The town boards in the several towns in the county of Erie shall meet for the purpose of auditing accounts and allowing or rejecting all charges, claims and demands against such towns on the last Thursday in September of each year.

Meetings of board of supervisors.

Meetings of town boards for auditing accounts.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed, so far as they may relate to the county of Erie.

Repeal.

§ 4. This act shall take effect January first, eighteen hundred and ninety-six.

Chap. 180.

AN ACT to amend title eight of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," so far as it relates to the police department of said city.

Accepted by the city.

BECAME a law March 29, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title eight of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," is hereby amended to read as follows:

Charter amended.

§ 206. The city of Mount Vernon shall constitute a police district, and a board of police is hereby established therein, with the

Police district and board of police.

powers and duties in this act prescribed, to be known and designated "the board of police for the city of Mount Vernon."

Commissioners. § 206a. The board of police shall be composed of four commissioners, to be known and designated as "the commissioners of police of the city of Mount Vernon," who shall be appointed and hold their offices for the periods hereinafter provided.

First appointment of commissioners. § 206b. After the passage of this act, the mayor of the city of Mount Vernon shall, as soon as practicable thereafter, appoint four competent and reputable persons who shall be residents within said city, as commissioners of police, who shall be declared the commissioners of police for the city of Mount Vernon, and it shall thereupon be the duty of said mayor to certify such appointment under the corporate seal of said city, and the hand of the mayor and city clerk, to each of said persons appointed; and the said persons so appointed shall, within ten days after the receiving of such notice, qualify as said police commissioners, by taking and filing in the office of the county clerk of the county of Westchester, and with the city clerk, the constitutional oath of office.

Oath of office.

Party representation. § 206c. Two of said commissioners shall be of the political party polling the highest number of votes, and two, of the party polling the next highest number of votes at the last general election.

Terms of office. The term of office of one of said commissioners shall expire on the first day of July, eighteen hundred and ninety-six, the term of office of one of said commissioners shall expire on the first day of July, eighteen hundred and ninety-seven, the term of office of one of said commissioners of police shall expire on the first day of July, eighteen hundred and ninety-eight, and the term of office of one of said commissioners shall expire on the first day of July, eighteen hundred and ninety-nine. In making each such appointment of police commissioners, the mayor shall designate in the certificate of such appointment, the term for which such commissioner shall hold his office as hereinbefore provided. At the regular meeting of the common council next preceding the first day of July, eighteen hundred and ninety-six, and annually thereafter, at the same time, the mayor shall appoint a police commissioner for the full term of four years, to succeed the commissioner whose term of office expires on the succeeding first day of July, but such appointment shall be made from the same political party as the commissioner whose term of office is about to expire.

Annual appointment of commissioner.

§ 206d. The four commissioners of police, after having been appointed and qualified as provided by this act, shall meet, at a time to be designated, within fifteen days after receiving notice of their appointment, at the office of the city clerk in said city, and shall organize themselves into a board of police, and said board shall thereafter exercise the powers and fulfill the duties connected with and incident to the police government and discipline of said city as hereinafter more especially provided. They shall select from their number one who shall be the president of the board. They shall also appoint from their number a treasurer and secretary.

Organiza-
tion of
board.

Officers.

§ 206e. If any one or more of said commissioners shall cease to reside in the city of Mount Vernon, his office shall be deemed vacant. The police commissioners, or any one of them, may be removed from office by the mayor for neglect of duty, malfeasance or malversation in office, incapacity, bribery or corruption; but no removal shall be made unless upon charges, nor unless the commissioner or commissioners accused shall have been served with a copy of the charges, and shall have had an opportunity to be heard in his or their defense.

Office,
when
deemed
vacant.

Removals
for cause.

§ 206f. Any vacancy in the number of such commissioners shall be filled by the mayor and the person appointed to fill the vacancy shall hold office until the expiration of the term of office of the commissioner whose place he was appointed to fill, but the vacancy shall be filled by a person from the same political party as the commissioner whose place he was appointed to fill.

Vacancies
in office.

§ 206g. The said police force shall consist of a chief of police, one sergeant and as many patrolmen as the said board may from time to time determine. All the members of the police force and now in office, created by chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, and the amendments thereto, shall be transferred to the police force hereby created, without examination, and they shall retain their present rank unless promoted by the board of police. All other members of the police force authorized by this act shall be appointed by the board of police hereby created, and all vacancies shall be filled by appointments of said board. The said board hereby created shall have power to pass such rules, regulations and orders for the government of the police force as they may deem proper. They shall promulgate all regulations and orders of the force, subject

Police
force.

Rules and
regula-
tions.

Treasurer's bond. to the rules and regulations of said board. The treasurer of said board shall execute a bond to the city of Mount Vernon in a penalty of fifteen thousand dollars conditional for the faithful discharge of his duties as such treasurer. The sureties shall justify before, and the bond shall be approved by the mayor of the city of Mount Vernon and filed in the office of the clerk of said city.

Transfer of property to board. § 206h. All the property and the effects pertaining to a police department belonging to the city of Mount Vernon and in possession of the common council of said city created by chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, and the amendments thereto, shall, when this act takes effect, be transferred to the board of police hereby created, and the said board are hereby authorized and empowered immediately upon entering upon their duties to take possession of the same. The possession of the police station-house in the city of Mount Vernon shall be transferred by the common council created by chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, and the amendments thereto, to the board of police hereby created who shall succeed to all the obligations, rights and privileges of the common council pertaining to police matters created by chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two.

Police station-house.

Uniforms. § 206i. The said board shall prescribe the uniform to be worn by said police force.

Special patrolmen. § 206j. The board of police or the chief of police may, upon emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint as many patrolmen, without pay, from among the citizens as it or he may deem desirable.

Powers and duties of special patrolmen. § 206k. During the service of any special patrolmen authorized as aforesaid, he shall possess all the powers, privileges, and perform all the duties that may be by orders, rules and regulations from time to time prescribed. Every such special patrolman shall wear a badge to be prescribed and furnished by the board of police.

May issue subpoenas. § 206l. The said board shall have power to issue subpoenas cited in the name of its president, to compel the attendance of witnesses upon any proceeding authorized by its rules and regulations. Each member of said board, the chief of police and the sergeant are hereby authorized and empowered to administer

Power to administer oaths.

oaths and affirmations to any person appearing in any matter or proceedings authorized as aforesaid, and to take any deposition necessary to be made under the rules and regulations of the said board of police for the purposes embraced in this act. Any willful and corrupt false swearing by any witness or person appearing in any matter or proceedings under the said rules and regulations of this act, shall be deemed perjury, and be punished in the manner prescribed by law for that offense. In case any person subpoenaed under this section shall fail or refuse to obey such subpoenas, or refuse, when required to, to take the proper oath or affirmation, or to answer any other proper question upon the presentation of satisfactory proof to a justice of the supreme court or the county judge of Westchester county, or the city judge of the city of Mount Vernon, it shall be the duty of the justice or judge to whom such presentation shall have been made, to issue an order returnable before him at an early day, requiring the person so failing or refusing, to show cause why an attachment should not be issued against him, and to adopt such other and further measures to compel the person to appear and testify, and to punish such disobedience, as if the matter was legally pending in the supreme court or the county court of said county, or the city court of the said city of Mount Vernon.

False swearing.

Refusal to obey subpoenas.

§ 206m. The term of office of all special policemen heretofore appointed under powers conferred by chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, and amendments thereto, shall cease and determine immediately upon the passage of this act, and special policemen may be appointed by the board of police, by this act created, as in its judgment may be necessary.

Special policemen.

§ 206n. The said board may fine, suspend from pay, and duty, and dismiss any member of said force.

Fines, suspension, etc.

§ 206o. The said board shall issue to every member of said force hereby created a proper warrant of appointment, signed by the president of said board and countersigned by the secretary, which warrant shall contain the date of his appointment and his rank.

Warrant of appointment.

§ 206p. The said board of police shall, immediately upon its organization and thereafter annually, on or before the fifteenth day of December, fix and determine the amount of moneys to be raised in the annual taxes for the purpose of paying the main-

Annual estimate of amount for police purposes.

Requisition upon council for same.	tenance of the board and police force, by this act established, for the next year ensuing, and shall make a requisition for the amount upon the common council of the city of Mount Vernon, but such amount shall not exceed, during the first year, twelve thousand dollars, and in any one year thereafter the sum of
Annual tax.	fifteen thousand dollars. The common council of the city of Mount Vernon shall annually levy and assess upon the taxable property in the said city of Mount Vernon a sum equal to the amount of such requisition, in the manner provided by law for assessing, levying and collecting the city taxes within and for
Payment to treasurer.	said city. The treasurer of said city shall pay to the treasurer of the board of police the sum specified in the requisition of said board of police commissioners out of the first fifty thousand
Duties of treasurer.	dollars received by him from the receiver of taxes. The treasurer of the board of police shall pay all claims, accounts and demands against the said board of police for the maintenance of the police department, which shall be allowed by said board, and shall render an account of the state of the finances to the said board as often as they shall require. The treasurer shall publish annually in the official city newspapers published in said city, a detailed statement of the receipts and expenditures made by him, previous to and including April thirtieth in each year.
Transfer of moneys to treasurer.	§ 206q. The balance of all money raised in the city of Mount Vernon for the police now in said city, shall be paid over by the officer or officers in whose charge the same may be, to the treasurer of the said board of police hereby created. The moneys so coming into the hands of the treasurer of the said board of police shall be applied first to the expenses incurred and remaining unpaid, if any there be, on account of the existing police in the city of Mount Vernon, and then to the payment of the expenses of the police board and police force hereby created, as, from time to time, may be necessary.
Application of same.	
Exemptions of persons holding office.	§ 206r. No person holding office under this act shall be liable to jury or military duty, or to arrest on civil process, or to service of subpoena from civil courts while actually on duty.
Compensation of police and treasurer.	§ 206s. The members of the police force and the different officers named, shall respectively receive such compensation as the board may determine. The treasurer of the board of police shall receive as compensation the sum of ten dollars per month.

§ 206t. Neither the mayor or any alderman nor any other person holding office under the city government, shall be eligible to the office of police commissioner. Ineligibility to office.

§ 206u. No member of the police force or of the board of police shall, under any pretense whatever, receive or share in any present, gift, fee, reward, emolument for service as a member of the police or of the board, additional to his regular salary or compensation. The board of police may allow any member of said police force, for meritorious or extraordinary services rendered by him, to retain for his own benefit any reward or present tendered him therefor. Said commissioners shall receive no salary or compensation for their services under this act, except the officers of said board, as in this act heretofore provided. Fees, rewards, etc. Compensation of commissioners.

§ 206v. It is hereby made the duty of said police force at all times of the day or night, within the said city of Mount Vernon, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and property, guard the public health, preserve order at public meetings and be responsible for the preservation and enforcement of law at every primary and public election, to remove nuisances from the public streets and public and private alleys, roads, places, watercourses and highways, repress and restrain disorderly houses and houses of ill-fame, to arrest all street beggars and mendicants, to provide a proper police attendance at every fire for the protection and assistance of firemen; to provide for and protect emigrants, strangers and travelers in public streets and at railroad depots, enforcing every law and ordinance relating to the suppression of crime; to serve all criminal process within said city, including all process for violation of any city ordinance, and exercise all the powers, and perform all the duties incumbent upon a police force. Duties of police force.

§ 206w. The several members of said force shall have power and authority, immediately and without process, to arrest and take into custody any person who shall commit, or threaten or attempt to commit in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by act of the legislature or by any ordinance of the city of Mount Vernon. Power to arrest without process.

§ 206x. The members of the police force shall possess in every part of the State of New York, all the common law and statutory

Powers of
constables
conferred
upon
police.

powers of constables, except for the service of a civil process, and any warrant for search or arrest, issued by any magistrate of the State of New York, may be executed in any part of the State by any member of the police force of said district according to the terms thereof, and all the provisions of sections seven, eight and nine of chapter two, title two, part four of the revised statutes, in relation to the giving and taking of bail, shall apply to this act.

B.11.

Terms of
members
of force.

§ 206y. All members of the police force shall hold their office during good behavior, and no member shall be removed until after written charges shall have been preferred against him and the same shall have been publicly heard and examined by said board after reasonable notice to him thereof by said board. No person shall be appointed by said board who is not a citizen of the United States, or who has ever been convicted of a crime, or who can not understandingly read and write the English language.

Qualifica-
tions.

Oath of
office.

§ 207. Each member of the police force shall subscribe an oath of office in the constitutional form in a book kept for that purpose, and shall take such oath before the board of police, each of whom is hereby authorized to administer such oath and certify the taking thereof.

Payment of
salaries.

§ 208. The salaries and compensations of the members of the police force shall be paid monthly, by the treasurer of the board, in modes to be prescribed by the rules and regulations of the board subject to such deductions each month from the salary or pay of members of said police force, as the board shall make to satisfy fines imposed on any member of such force by way of punishment for improper conduct or offense committed.

Chief of
police.

§ 209. The chief of police shall be (subordinate to the board of police) the chief executive of the police force created by this act, and he shall obey, and cause the force to obey, the rules and regulations that may be from time to time established by the said board of police in accordance with the provisions of this act. In cases of sickness, absence, suspension or other inability of the chief to act, the board of police shall designate the sergeant to act in place of the chief until his return to duty.

Repeal.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 184.

AN ACT to amend chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater, passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation, and the acts amendatory thereof.

BECAME a law March 29, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title ten of chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act, entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation, and the acts amendatory thereof, is hereby amended by adding thereto an additional section, to be known as section thirty-seven, and to read as follows:

§ 37. Whenever any of the lots, pieces or parcels of land upon which there shall have been apportioned and assessed the cost of constructing any sewer or system of sewerage as provided in section thirty-four of this title, shall have been sold to the village for the non-payment of such assessment, and the same shall remain unredeemed at the termination of any fiscal year of said village; and whenever at the termination of such fiscal year there shall be any bonds or certificates of indebtedness issued for the cost of such sewer or system of sewerage as provided in section thirty-five of this title, outstanding and unpaid, the board of trustees of said village are hereby authorized, empowered and directed to levy and raise, as provided in title twelve of this act, the amount due upon such outstanding and unpaid bonds or certificates of indebtedness, including interest accrued and to accrue thereon, and to insert such amount in the annual budget for the

Application
of proceeds
from sales,
etc., of
lands sold
village.

ensuing year; and with the moneys so raised to pay and discharge the amount due upon said bonds or certificates; and the moneys so raised shall be in addition to the amount authorized to be levied and raised by section one of title twelve, or any other provision of this act. All moneys afterwards realized from redemption, transfers or sales of the several lots, pieces or parcels of land sold to the village as above mentioned, shall be paid into the village treasury and be and become and form a part of the general village funds.

§ 2. This act shall take effect immediately.

Chap. 185.

AN ACT to legalize the action of the town board of the town of Dunkirk, Chautauqua county, in changing the name and boundaries of certain election districts in the city and town of Dunkirk.

Accepted by the city.

BECAME a law March 29, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Change in
name and
boundaries
of election
districts
legalized.

Section 1. The change in name of the election districts of the city and town of Dunkirk, in Chautauqua county, and the change in the boundaries of the first election district of the first ward and the first election district of the second ward of such city, made by the town board of the town of Dunkirk on January eighteenth, eighteen hundred and ninety-five, are ratified and confirmed, and made of the same force and effect as if such change had been made on the second Tuesday in September, eighteen hundred and ninety-four by the town board of the town of Dunkirk, for the election districts in such city.

§ 2. This act shall take effect immediately.

Chap. 186.

AN ACT to authorize the trustees of the village of Clyde, to levy and collect a tax for the purpose of paying the existing indebtedness of the village.

BECAME a law March 29, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Clyde, New York, are hereby authorized and empowered to raise by tax, during the year eighteen hundred and ninety-five, the sum of two thousand one hundred dollars in addition to the sum now allowed to be raised by law, for the purpose of paying any indebtedness of the village incurred prior to April first, eighteen hundred and ninety-four, and to be included in the amount to be raised in the annual tax-roll of said village for said year.

Tax for village indebtedness authorized.

§ 2. This act shall take effect immediately.

Chap. 189.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by section two of chapter ten of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled, 'An act to incorporate the city of Mount Vernon.'"

Accepted by the city.

BECAME a law March 30, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twelve of section two hundred and twenty-nine (i) of title twelve of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by section two of chapter ten of the laws of eighteen hundred and ninety-four, entitled 'An act to amend chapter one hundred

Charter amended.

Powers of board of education. and eighty-two of the laws of eighteen hundred and ninety-two, entitled An act to incorporate the city of Mount Vernon," is hereby amended so as to read as follows:

Licensing teachers. 12. To license all teachers employed in the schools thereof in the same manner and with like effect in said city as school commissioners of counties.

§ 2. Subdivision thirteen of section two hundred and twenty-nine (i) of said act is hereby amended so as to read as follows:

**Super-
vision of
schools.** 13. To have, to the exclusion of all boards and officers except the regents of the university and the superintendent of public instruction of the state, the entire supervision and management of the public schools of said city, and the right, from time to time, to adopt, alter, modify or repeal, as may be deemed expedient, rules and regulations for their organization, government and instruction for the reception of pupils and their transfer from one school-room or school-house to another, for their advancement from class to class, as their degree of scholarship shall warrant, and generally for the promotion of the good order and prosperity of said schools.

§ 2. Said act is hereby amended by adding thereto a new section as follows:

**Issue of
school tax
relief
bonds.** § 229a. The common council of said city of Mount Vernon may from time to time issue bonds of the city of Mount Vernon, to be known as "School tax relief bonds," signed and sealed in the same manner as other bonds of the said city and to bear such interest not exceeding the legal rate as the common council shall prescribe, provided, however, that no such bonds shall be issued in excess of the amount of taxes remaining unpaid for the collection of which warrants have been issued. Such bonds shall be in such denominations and mature at such times, not exceeding three years from their date, as the common council may prescribe. The common council shall convert such bonds into money at not less than their par value or obtain temporary loans upon the same. When the amount of such bonds outstanding shall be equal to the amount of school taxes remaining unpaid, the common council shall cause all moneys received for unpaid taxes and interest on the same to be held exclusively for the payment of such bonds and the interest thereon.

**Payment of
bonds and
interest.**

§ 3. This act shall take effect immediately.

Chap. 192.

AN ACT regulating and restraining the practice of midwifery in Niagara county by others than legally authorized physicians.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. On or before the first day of July, eighteen hundred and ninety-five, the county judge of Niagara county shall, by an order to be filed in the Niagara county clerk's office, appoint a board of examiners in midwifery to consist of five members who shall have been licensed to practice physic and surgery in this state, and who shall serve for one, two, three, four and five years respectively, the term of each to be determined by lot upon the organization of said board, and thereafter as often as any vacancy shall occur in said board, said county judge shall, by a like order, fill such vacancy, for the unexpired term; and upon the expiration of the full term of any member of said board, said county judge shall, by a like order, appoint his successor, for the full term of five years.

Board of examiners.

§ 2. Immediately after the filing of said order, said board shall organize by the selection of one of its members as president, and of another as secretary and treasurer, who shall hold their office for one year and be thereafter annually elected, and shall adopt and have power to adopt and enforce such rules and regulations as are necessary to carry out the purposes and provisions of this act.

Organization of board.

§ 3. Such examiners shall meet on the first Tuesday of October and April in each year, and on such other days as such board may appoint in the city of Lockport, after due notice thereof is publicly given, and shall then examine all candidates of the age of twenty-one years and upwards, possessed of good moral character, who shall present themselves to be examined for license to practice midwifery in the county of Niagara, and shall, on receipt of ten dollars, issue their certificate to any person so examined who shall be found by them to be qualified, which certificate shall set forth that said board has found the person to whom it is issued qualified to practice midwifery, and shall be recorded by the clerk of the

Meetings.

Examination and licensing of candidates.

county of Niagara in a book to be kept by him for that purpose. All moneys going into the treasury of this board shall be applied to defray the expenses of this board.

Practice of
midwifery

§ 4. Any person who has received and recorded such certificate shall thereupon be designated a midwife, and authorized and entitled within the county of Niagara to practice midwifery in cases of normal labor, and in no others; but such persons shall not in any case of labor, use instruments of any kind, nor assist labor by any artificial, forcible, or mechanical means, nor perform any version nor attempt to remove adherent placenta, nor administer, prescribe, advise or employ any poisonous or dangerous drug, herb, or medicine, nor attempt the treatment of disease except where the attendance of a physician cannot be speedily procured, and in such cases such persons shall at once and in the most speedy way procure the attendance of a physician.

Revocation
of certifi-
cate.

§ 5. Said board of examiners shall have power, on proper cause shown, and after hearing the person holding their certificate, to recommend to the county judge of Niagara county the revocation of the same, and said judge shall have power to revoke such certificate and license.

Misde-
meanor.

§ 6. Any person who shall practice, or without the attendance of a physician where one can be procured, attend a case of midwifery or obstetrics within the county of Niagara, after the thirty-first day of December, eighteen hundred and ninety-five, without being duly authorized so to do under existing laws of this state, or without having received and recorded the certificate provided for by this act, and any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars, nor more than one hundred dollars, and shall forfeit any certificate therefor, granted under the provisions of this act.

§ 7. This act shall take effect immediately.

Chap. 195.

AN ACT to amend chapter thirty-six of the laws of one thousand eight hundred and seventy-three, entitled "An act to provide for the supply of water in the city of Yonkers."

Accepted by the city.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter thirty-six of the laws of one thousand eight hundred and seventy-three, entitled "An act to provide for the supply of water in the city of Yonkers," is hereby amended by the addition at the end thereof, as an additional section, the following:

§ 37. The common council of the city of Yonkers shall issue whenever required by the board of water commissioners of the city of Yonkers the bonds of said city to be known as water bonds, for the sum of three hundred thousand dollars, which shall bear interest not exceeding four percentum per annum payable semi-annually on the first day of April and October in each year. Said bonds shall be in addition to all other bonds authorized to be issued and shall be payable in not more than twenty years from the date of issue as the common council of said city shall determine, and shall be signed by the mayor and city clerk of the city of Yonkers, and a record thereof shall be kept in the city clerk's office of said city, but not more than one hundred thousand dollars of said bonds shall be issued in any one year without the consent of the said common council. The bonds so issued shall be delivered to the said board of water commissioners and sold at not less than their par or nominal value; and the proceeds thereof shall be used solely, for the purpose of improving the works and the extending of the water mains and distributing pipes. Said bonds shall not be negotiable until countersigned by the president of the water board. The said common council shall levy, assess and cause to be collected by tax upon the taxable property within the city of Yonkers, the amount necessary to pay the principal of said bonds at the time of maturity. The sum required for the payment of interest on said bonds shall,

Water act amended.

Issue and sale of additional bonds.

Tax for principal and interest.

whenever necessary, be raised by the said common council by tax, in the manner provided in the twenty-eighth section of this act.

§ 2. This act shall take effect immediately.

Chap. 197.

AN ACT to amend sections two and three of title two of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," relating to the dividing of said city into aldermanic districts and describing the same; establishing a common council and providing for the election of aldermen constituting the said common council.

Accepted by the city.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," is hereby amended so as to read as follows:

Aldermanic
districts

§ 2. The city of Brooklyn is divided into seven aldermanic districts known as the first, second, third, fourth, fifth, sixth and seventh aldermanic districts respectively. The first aldermanic district consists of the first, second, third, fourth, fifth and sixth wards of the said city of Brooklyn. The second aldermanic district consists of the seventh, thirteenth, nineteenth, and twenty-first wards of the said city of Brooklyn. The third aldermanic district consists of the ninth, eleventh, twentieth and twenty-second wards of the said city of Brooklyn. The fourth aldermanic district consists of the eighth, tenth, twelfth, thirtieth and thirty-first wards of the said city of Brooklyn. The fifth aldermanic district consists of the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the said city of Brooklyn, and of such territory of the county of Kings as may hereafter become a part of the said city of Brooklyn.

The sixth aldermanic district consists of the fourteenth, fifteenth, sixteenth and seventeenth wards of the said city of Brooklyn. The seventh aldermanic district consists of the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wards of the said city of Brooklyn.

§ 2. Section three of said chapter is hereby amended so as to read as follows:

§ 3. The common council of the said city of Brooklyn consists of the board of aldermen now in office. At the general State election held in the year eighteen hundred and ninety-five, and every two years thereafter at the general election four aldermen shall be elected from each aldermanic district as hereinbefore described and constituted but no ward shall have more than one representative in said board, and the aldermen so elected, from time to time, shall constitute the common council. The said members of the common council shall be paid an annual salary as now fixed by law, and shall hold office for two years from the first day of January, at twelve o'clock noon, next succeeding to the election. All vacancies which may occur in said common council by reason of the death, removal or resignation of a member, or otherwise, shall be filled for the unexpired term by election of the said common council, to be determined by a majority of all the members elected thereto.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 198.

AN ACT to authorize the city of Buffalo to appropriate park lands for high school purposes.

Accepted by the city.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Buffalo may, by a resolution to be adopted by a majority vote of each board, and approved by the mayor of said city, appropriate for high school

purposes, such part of the lands in said city, held and used for park purposes, and known as Masten park, not exceeding two hundred feet square thereof, as it may select.

§ 2. This act shall take effect immediately.

Chap. 199.

AN ACT to authorize the establishment of a system for lighting the village of North Tonawanda, Niagara county, with electric light, and to provide the necessary funds for that purpose.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Establishment of electric-light system.

Section 1. The village of North Tonawanda, Niagara county, is hereby authorized and empowered to provide a proper and sufficient system for supplying said village, and the inhabitants thereof, with electric light, in the manner by this act provided.

Meeting of taxpayers

§ 2. Whenever the president and board of trustees of said village shall deem it advisable to establish a system for lighting the streets, avenues, parks and places, and public and private buildings of said village with electric light, they may at any time, by the concurring vote of a majority of their entire number, call a meeting of the electors of said village, upon notice published once in each of the two weeks immediately preceding such meeting, in one or more weekly newspapers published in said village, and at which the question shall be submitted whether the taxes in this act authorized for the purposes herein mentioned shall be levied and collected from the village, as in this act provided; no trustee of such village shall proceed with any of the powers and duties under this act, unless the majority of the voters, and the taxpayers whose names appear upon the last assessment-roll of the village, voting at such meeting, shall vote in favor of taxes. Said votes shall be by ballot, and there shall be written or printed on the ballots of those in favor of taxes "For the electric lighting taxes," and on the ballots of those opposed, "Against the electric lighting taxes." The said board of trustees, or any of them, shall preside and certify the result of said meeting, and shall file their certificate of such result within ten days after such meeting with the village clerk of said village.

Certificate of result.

§ 3. When a majority of the voters and taxpayers whose names appear upon the last assessment-roll of the village have voted in favor of such taxes, the board of trustees of said village shall thereupon be invested with the exclusive power of constructing, erecting or purchasing, or otherwise acquiring, the necessary machinery, apparatus, fixtures, poles, wires and other equipments and property for an electric-light system, and of purchasing or otherwise acquiring electric power or electricity for producing light or power, and with the exclusive control of operating and running the same, and they shall have the exclusive right to make all necessary arrangements, rules, regulations and contracts for supplying said village, and the inhabitants thereof with electric lights, and establishing the rates and charges therefor.

Construction of works, etc.

Rules and regulations.

§ 4. The board of trustees of said village shall also have the power to contract for, purchase and take, from time to time, by deed or other instrument under seal, in the name of said village all lands or other property, real or personal, or rights therein, within said village, which may be required for the purposes of this act, and to enter upon any lands for the purpose of making surveys, and to agree with the owner or owners of any such property or right which may be deemed necessary for such purposes, as to amount of compensation to be paid such owner. Whenever such board of trustees is unable to acquire by agreement any lands or other property or the right, title or interest, if any, less than a fee in land, it shall have the power to acquire the same, in the manner, and by the proceedings prescribed by the general condemnation law of the state.

Acquisition of property and rights.

Proceedings therefor.

§ 5. The board of trustees of said village may, at their option, instead of acting themselves, notify the board of water commissioners of said village to take charge of and carry on such electric-lighting system or works; and, thereupon the said board of water commissioners shall have the exclusive power, and be subject to the limitations as provided, by this act, for the board of trustees of said village.

Supervision of system by water commissioners.

§ 6. To provide funds for the payment of the expenses of constructing or purchasing, maintaining and operating such system, the board of trustees may, from time to time, as the same shall be needed, issue bonds, certificates or other obligations of indebtedness of said village, signed by the president and treasurer of said

Issue of bonds or certificates for expenses.

village in a sum not exceeding three per centum of the assessed value of the real and personal estate of the valuation of the village, as shall appear by the then last assessment-roll. Said bonds, certificates or other obligations of indebtedness shall be payable within thirty years from the date thereof, and shall bear interest at a rate not exceeding four per cent. per annum, and shall be for such amounts, and upon such terms and conditions, as may be determined by said board. These bonds, certificates or other obligations, in the discretion of the board, may be used directly to pay for such improvement, or they may be sold by the board of trustees at public auction at a price not less than par. Such bonds, certificates or other obligations of indebtedness, when issued, shall be binding on and shall be paid at maturity by the said village, and shall contain a recital that they are issued under the provisions of this act.

Trustees to
give bonds.

§ 7. No bonds, certificates or other obligations of indebtedness shall be issued by the board of trustees authorized by this act, until such trustees, shall have filed with the clerk of the county of Niagara, their joint and several bond, in the sum of thirty thousand dollars, if the electric-light system to be erected or purchased or in operation will or has cost more than thirty thousand dollars, or in the sum of ten thousand dollars if the said system will or has cost less than thirty thousand dollars, with sureties qualifying in double the amount to be justified before a notary public, and approved by the county judge of said county, or a justice of the supreme court, and conditioned for the faithful performance of the duties of such trustees.

Board of
water com-
missioners.

But in case such trustees shall have notified the board of water commissioners to take charge of, or to carry on said works, such board shall give the bond or bonds above required, which may be approved by the trustees of the village, instead of the county judge, or a justice of the supreme court, providing no member of the board of trustees shall be then holding the office of water commissioner. And when the term of office of any such trustee shall expire, he shall hold his office as such commissioner for the purposes of this act, until new bonds or bond shall have been given by the board of which his successor is to be a member, or by his successor in office, which bonds shall be in similar form, for like amounts, justified, approved and filed in like manner.

Trustees to
hold over-
until new
bonds
given.

§ 8. The board of trustees are hereby authorized to place the electric-light apparatus and all machinery connected therewith, in the water-works building in said village, and to make any and all alterations and additions to said water-works building which may be necessary in order to accommodate said electric-light apparatus and machinery.

Accommodations in water-works building

§ 9. The board of trustees shall appropriate all moneys received for the use of the electric light furnished by said trustees, or commissioners, and the sale of the bonds, certificates or other obligations of indebtedness, as follows:

Appropriation of moneys.

1. To pay all necessary expenses connected with the running and repairing of said electric-light system, and in extending the same if the board of trustees, or water commissioners, deem it advisable to extend it.

2. All additional sums received to be used as a sinking fund for the purpose of paying the bonds, certificates or other obligations of indebtedness, when due, or in reimbursing the village treasury for the amounts paid from the treasury in the redemption of such obligations of indebtedness, issued as provided in this act.

§ 10. Nothing herein contained shall be construed to prevent any other person or persons or corporation from making or fulfilling any contract to furnish electric or other lights to the inhabitants of said village.

Contracts by other parties for furnishing electric light.

§ 11. The powers conferred by this act are in addition and supplementary to and independent of all other powers possessed by said village of North Tonawanda, either under any special act, or under the general act for the incorporation of villages.

Additional powers

§ 12. This act shall take effect immediately.

Chap. 201.

AN ACT to provide for the assessment and collection of the expense of removal of snow and ice from the sidewalks of public streets and avenues in the city of New York.

Accepted by the city.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Removal of
snow and
ice from
sidewalks.

Section 1. Whenever any owner, lessee, tenant or occupant or person having charge of any building or lot of ground in the city of New York shall fail to comply with the provisions of any ordinance of the said city for the removal of snow and ice from the sidewalk or gutter in the street, on the side of the street on which the said building or lot fronts, the commissioner of public works of the said city shall cause such removal to be made and thereupon the expense of such removal as to each particular lot of ground shall be ascertained and certified by the said commissioner of public works to the comptroller of the said city, who shall pay the same in the same manner as the expense of removing snow from the streets of the city are paid; and immediately after the making of the payment of such expense as so certified to him, the said comptroller shall make and deliver a certificate thereof to the board of aldermen of the said city, and the said amounts, so certified, shall, by the said board of aldermen, annually, be added to and made to form a part of the annual taxes of the next ensuing fiscal year against the lots against which the said amounts shall be so certified respectively, and the same shall be collected in and with and as part of the annual taxes for such fiscal year, for or during which the same shall have been so incurred and certified.

Expense
thereof.

Assessment
and collec-
tion of ex-
pense.

Proviso as
to throwing
snow, etc.,
into road-
way.

§ 2. This act shall not be regarded as interfering with the owner of any lots throwing into the roadway of the streets or avenues any snow or ice which may be removed from the sidewalk or gutter directly in front of such lot.

Term "lot"
defined.

§ 3. The term lot as used in this act shall include a space not to exceed twenty-five feet in width fronting the street, avenue

or lane upon which the violation is charged to have been permitted, committed or omitted.

§ 4. This act shall take effect on the first day of November, ^{When takes effect.} eighteen hundred and ninety-five.

Chap. 204.

AN ACT to provide for an outlet sewer for the joint use of the villages of New Brighton and Port Richmond in the county of Richmond.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of New Brighton and the board of sewer commissioners of the village of Port Richmond, in the said county of Richmond, are hereby authorized to construct and maintain a pipe sewer for the joint use of said villages of such portions thereof as may use the same, extending from the dividing line between said villages at the junction of Palmer's Run and Jewett avenue along said Jewett avenue in said village of Port Richmond to the Shore road, and along the Shore road to the Kill von Kull at the foot of Richmond avenue. ^{Construction of sewer authorized.}

§ 2. Said board of trustees and said board of sewer commissioners shall together constitute a joint board for the construction of said outlet sewer and shall, as soon as convenient, after the passage of this act, meet as such joint body at the village hall in New Brighton, and cause to be prepared and submitted to them, a plan of the area within each of the said villages, the sewage of which may properly and reasonably be caused to flow through said outlet sewer and also plans and specifications in duplicate, for such an outlet sewer of such dimensions as may be necessary for the effectual sewerage of both of said areas; and for that purpose may employ a competent engineer, and the amount of the expense incurred for the compensation of such engineer shall be paid by the said village of New Brighton, and included in the next annual levy of said village as a part of the ordinary expenditures of said village. ^{Joint board.} ^{Plans and specifications.} ^{Employment of engineer.}

§ 3. Said joint board shall cause one of said duplicate plans and specifications to be filed with the state board of health and ^{Filing of plans.}

Establishment of areas of assessment.

if the same be approved by said board of health, said board of trustees of New Brighton, and said board of sewer commissioners of Port Richmond, shall respectively establish and describe with reasonable certainty an area within each of said villages within which the owners of property shall be assessed for the expense of constructing said outlet sewer, each of said areas to be composed of property, the sewage from which can be caused to flow through said outlet sewer; and such joint board shall determine in what proportions said sewer shall be paid for by the inhabitants of said areas in each village respectively. Changes may be made in said plans and specifications, provided the same be filed with and approved by said state board of health.

Changes in plans.

Hearing by joint board upon notice.

§ 4. Said joint board shall, after said plans and specifications shall have been provided and adopted and approved by the state board of health, and said proportion of the expense of constructing said outlet sewer shall have been determined, cause a notice to be published in two newspapers in New Brighton, and in one newspaper in Port Richmond for at least two weeks of a time and place within one of said villages when said joint board shall meet and hear persons owning property within either of said areas of assessment regarding the boundaries and limits of said areas and for and against the construction of said outlet sewer, and such notice shall contain a description of such area of assessment and a statement of the proportion of the expenses of such construction to be borne by each of said areas. And said board may upon sufficient cause alter or change the same and in case the boundaries and limits of said areas, or either of them be extended, a like notice shall be given and a like hearing had.

Proposals and contracts.

§ 5. If, after such hearing, said joint board shall determine to construct said outlet sewer, said joint board shall cause to be published for two weeks in two newspapers in New Brighton, and in one newspaper in Port Richmond, an advertisement for proposals for constructing the same, and shall let the contract thereof to the lowest bidder, who shall, in their judgment, be competent to build the same and give adequate security for the faithful performance of his contract.

Engineer.

§ 6. The work shall be done under the supervision of a competent engineer to be selected by said joint board, said board is hereby authorized to pay him a reasonable compensation for his superintendence.

§ 7. Upon the final completion of such sewer, said joint board shall divide the expenses of the construction thereof, including the cost of publishing said notices and advertisements and of said superintendence, between said areas of assessment in the proportion determined by them as provided in section three of this act, and certify the amounts thereof respectively under their hands, and certificates thereof shall forthwith be filed with the clerk of the village of New Brighton, and the clerk of said board of sewer commissioners.

§ 8. Thereupon said board of trustees of the village of New Brighton shall proceed to apportion and assess, the amounts so certified to be paid by the said area of assessment within said village of New Brighton, and such apportionment and assessment shall be binding upon the owners of lands and a lien thereon within said area and shall be levied and collected in the manner now provided by law for the apportionment, assessment and collection of the expense of constructing sewers in said village of New Brighton; and said board of sewer commissioners of the village of Port Richmond shall proceed to apportion and assess the amounts so certified to be paid by the said area of assessments within the said village of Port Richmond upon the owners of property within said area in the manner now provided by law for the assessment and apportionment of the expense of the sewers to be paid for wholly by the owners of lands specially benefited thereby, provided, however, that it shall be lawful for such apportionment and assessment to be made pro rata according to the lineal feet of frontage upon the streets, roads or avenues of the property within said area of assessment, and such apportionment and assessment shall be binding upon such owners, and shall be a lien upon such lands, and shall be collected in the same manner as other taxes and assessments within said village of Port Richmond ; and said several sums, when collected, shall be paid over in liquidation of the expense of such construction and specified in section seven of this act.

§ 9. The property-owners in said respective villages shall have the same right of review of the proceedings of said joint board as are now given by law to property owners in said villages with respect to the proceedings of their respective officers for the construction of sewers.

Mainte-
nance and
repair of
sewer.

Annual
estimate of
expense.

Annual tax

Payments,
how made.

§ 10. The said board of sewer commissioners of said village of Port Richmond shall have charge of the maintenance and repair of said outlet sewer, and it shall be the duty of said board and its successors to maintain and keep the same in repair and in such condition that the same may effectually discharge the house sewage of both said areas as specified in section three of this act. Said board of sewer commissioners shall annually estimate the amount necessary for the maintenance and repair of said sewer for the next ensuing year and divide the said amount in the same proportion as shall be determined as provided in the third section of this act, for the apportionment of the cost of constructing said sewer; and shall certify and fully report to the board of trustees of said village of New Brighton and Port Richmond respectively on the second Monday in January of each year, the several amounts to be borne by said villages respectively for the ensuing twelve months, which amounts shall be included in the annual tax levies of said villages respectively for the next succeeding fiscal year, and each report shall be filed with the clerks of the said villages respectively. The expenses of such maintenance and repairs shall be paid by the treasurers of said villages respectively in the proportion determined for the apportionment of the cost of construction upon the order of the said board of sewer commissioners signed by the clerk, and countersigned by the president, not exceeding the amount so estimated and reported in any one year.

§ 11. This act shall take effect immediately.

Chap. 205.

AN ACT to amend chapter seven hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond, in the county of Richmond," as amended by chapter four hundred and twenty-seven of the laws of eighteen hundred and seventy-five.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Subdivision thirteen of section twenty-eight of chapter seven hundred and ninety-two of the laws of eighteen

hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond, in the county of Richmond," as amended, is hereby further amended so as to read as follows:

13. To determine and shall determine, by the vote of the majority of all the trustees, at a meeting to be held in each year prior to the apportionment of the annual tax, the amount to be raised by tax upon the taxable property of said village, to be applied for the benefit of the fire companies in said village during the then ensuing fiscal year, which sum shall be in addition to all sums which said trustees are now authorized or required to raise by tax; and any restrictions contained in any part of the act hereby amended shall not be deemed to limit or prohibit the raising of the money hereby required to be raised; and having so determined said trustees shall cause such sum to be apportioned and collected in the same manner and at the same time as other taxes in said village; but said trustees shall not cause to be apportioned or collected, for the purpose herein mentioned any greater sum than the sum of two thousand dollars in any one year; and the moneys to be collected, as above provided, shall be expended by the said trustees in the purchase of such hose and other fire apparatus for the use of the several fire companies in said village, in the discretion of the said trustees according to the necessities of said several companies.

Annual estimate of amount for benefit of fire companies.

Apportionment and collection thereof.

Expenditure.

§ 2. This act shall take effect immediately.

Chap. 206.

AN ACT to amend chapter eighty-six of the laws of eighteen hundred and ninety-three, entitled "An act to provide for the appointment of a receiver of taxes and assessments for the village, town and free union school district number one, of the town of Plattsburgh, in the county of Clinton."

BECAME a law April 1 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter eighty-six of the laws of ^{Act amended.} eighteen hundred and ninety-three, entitled "An act to provide for the appointment of a receiver of taxes and assessments for

the village, town and free union school district number one of the town of Plattsburgh, in the county of Clinton," is hereby amended so as to read as follows:

Board of
appoint-
ment.

§ 2. The said receiver of taxes and assessments shall be appointed by a board consisting of the supervisor of the town of Plattsburgh, the president of the village of Plattsburgh and president of the board of education of free union school district number one in said town. The said board shall meet within ten days after the passage of this act at the call of the president of the village for the purpose of making such appointment, and every alternate year hereafter a board to be composed as aforesaid shall meet on the first Tuesday of April at the call of the president of the village at such place as he shall designate.

Meetings

Vacancy in
office of
receiver.

Any vacancy occurring in the said office of receiver, other than by expiration of the term of office, shall be filled for the unexpired term within ten days thereafter by said board duly convened. The president of the village, or, in his absence or upon his refusal or inability to do so, the supervisor of the town shall call said board together. Said receiver shall be subject to removal upon a two-thirds vote of the appointing board.

Who to
call meet-
ings.

Removals
for cause.

§ 2. This act shall take effect immediately.

Chap. 207.

AN ACT to amend chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, entitled "An act to amend the several acts incorporating the village of Owego, Tioga county," and to revise, consolidate and amend the several acts amendatory thereof.

BECAME a law April 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and eleven of the laws of eighteen hundred and fifty-one, entitled "An act to amend the several acts incorporating the village of Owego, in the county of Tioga," as amended by section two of chapter three hundred and seventy-three of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows :

§ 3. **Officers of the village.**—The officers of the village shall be one president, two trustees for each ward, who shall be residents thereof, one supervisor, one police justice, one acting police justice, one treasurer, three assessors, one collector, one clerk, one chief of police, and as many police constables as the board of trustees shall deem necessary, one street commissioner, one chief engineer and two assistant engineers of the fire department, one or more fire wardens, not exceeding five, one pound-master, one sexton, or keeper of the cemetery; the board of trustees shall also have power to designate an attorney and counselor, residing in the village, as village attorney, and to fix his compensation. The president, trustees, supervisor, police justice, treasurer and assessors shall be elected by ballot by the electors of the village. All other village officers shall be appointed as hereinafter provided.

§ 2. Section four of said act is hereby amended so as to read as follows :

§ 4. **Qualifications.**—No person shall be elected or appointed to any office unless he shall be at the time a resident and elector of the village, and, if chosen with respect to any ward in said village, then of such ward, unless herein otherwise provided; and, whenever any officer of said village, after having been duly elected, shall cease to be a resident of said village, or if chosen with respect to any ward, then of such ward, his office shall thereupon and thereby immediately become vacant.

§ 3. Section six of said act is hereby amended so as to read as follows :

§ 6. **Elections.**—Elections under this act shall be held on the Tuesday next after the first day of January in each year, at such place as shall be designated by the trustees, and ten days' notice of such election shall be given, by publishing the same in at least two of the newspapers of the village, to be designated by the board of trustees.

§ 4. Section nine of said act is hereby amended so as to read as follows :

§ 9. **Oath of office.**—Every person so elected to office under this act, shall, before entering upon the same, and within ten days after personal notice, in writing, from the clerk of the village of his election, take the oath of office prescribed by the constitution of the State, and file the same with the clerk of

the village; and every person so elected who shall refuse or neglect to so take and file his oath of office as above provided shall thereupon, by such refusal or neglect, forfeit such election, and the office thereupon and thereby shall become vacant. Every officer, after having been duly elected or appointed to office in said village, and after having duly qualified as such, shall continue to hold the same, and discharge the duties thereof until his successor shall have been duly chosen and shall have qualified.

§ 5. Section ten of said act, as amended by section six of chapter three hundred and seventy-three of the laws of eighteen hundred and ninety, is hereby further amended so as to read as follows:

§ 10. Vacancies, how filled.—If any vacancy shall occur in any elective office, the board of trustees shall have power to fill the same by appointment, and the person so appointed shall hold his office until the next annual election of village officers, at which time the unexpired portion of the term, if any, shall be filled by election; provided, however, that in case the office be one the term of which would not have expired at the election then next ensuing, and that such vacancy shall have occurred within ten days immediately preceding such election, then and in such case such board of trustees shall have power to fill the same by appointment as above provided, and the term of office of the person so appointed shall continue until the election next succeeding the one previous to which such vacancy occurred. All such appointments shall be made by ballot; all persons so appointed to office shall be electors and residents of the village, and a majority of the board shall be necessary to a choice, except in case of a tie, when the president shall have a casting vote. In all cases of elections to fill vacancy, there shall be printed on the official ballot after the name of such office the words "to fill vacancy."

§ 6. Section eleven of said act, as amended by section seven of said chapter three hundred and seventy-three of the laws of eighteen hundred and ninety, is hereby further amended so as to read as follows:

§ 11. Elective officers.—The elective officers named in this act shall be elected annually, except trustees, supervisor, assessors and police justice. Their terms of office shall commence

forthwith upon their election, subject to the ninth and thirteenth sections of this act, and shall continue respectively as follows, that is to say:

1. One trustee shall be elected annually from each of the several wards in the village, whose term of office shall be two years, and who shall succeed to the elective term of office then expiring of trustee for such ward. In case it shall be necessary at any time to elect two trustees for any such ward, the name of such office printed on the official ballot, over the name of the proper candidate shall be followed with the words "to fill vacancy" and "full term," added thereto in accordance with the names of the proper candidate respectively.

2. The supervisor elected at the last annual election in said village shall hold and exercise said office until the next annual election therein, at which time his successor shall be chosen, and biennially thereafter. The term of office of the supervisor shall be two years, and every supervisor of said village shall have the same powers and be invested with the same authority and privileges in the board of supervisors of the county of Tioga that the several supervisors of the several towns in said county now have, and he shall in like manner be compensated for his services.

3. One assessor shall be elected at each annual election in said village, and the term of each assessor shall be three years.

4. A police justice shall be elected at every fourth annual election in said village from and after the annual election therein in the year eighteen hundred and ninety-three. The term of office of the police justice shall be four years. The present police justice of said village shall have and exercise, during his term of office, all the power, authority and jurisdiction conferred by this act as amended.

§ 7. Section twelve of said act, as amended by section eight of chapter three hundred and seventy-three of the laws of eighteen hundred and ninety, is hereby further amended so as to read as follows:

§ 12. Appointive officers.—The board of trustees shall, at its first meeting in each year, or as soon thereafter as may be convenient, and as often as vacancies may occur, appoint all officers of said village not by law elective by the electors thereof or by the Owego fire department, and prescribe their duties, and a

majority of said board may at pleasure remove any officer so appointed by them. The officers of the Owego fire department, enumerated in section three of this act, as officers of the village, shall be elected by the members of said fire department, as prescribed by section two of chapter two hundred and ninety-seven of the laws of eighteen hundred and sixty-two, and the acts amendatory thereof.

§ 8. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. Official bonds.—The treasurer, collector and police justice of said village, and any other officer or officers thereof, who shall be required by resolution of the board of trustees of said village so to do, shall severally, before they enter upon the duties of their respective offices, or at the time when they are required by resolution as above provided, execute and file with the village clerk a bond to the village of Owego. Sections eleven, twelve and thirteen of the public officer's law shall apply to all such bonds. A failure to file such bond by any such officer for ten days after personal notice in writing of his election or appointment, or of a resolution requiring such bond, shall forfeit his election or appointment and his office shall thereupon and thereby immediately become vacant.

§ 9. Section fourteen of said act is hereby amended so as to read as follows:

§ 14. Delivery of books and papers.—If any person, having been an officer in said village shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession or under his control, belonging to said village or appertaining to his office, he shall forfeit and pay for the use of the village fifty dollars, and the further sum of five dollars for each additional day, and in addition thereto shall be liable for any damages caused by his neglect or refusal to so deliver.

Of the Powers and Duties of Officers.

§ 10. Section fifteen of said act is hereby amended so as to read as follows:

§ 15 The president.—The president shall preside at all meetings of the board of trustees and shall have on all questions a casting vote or ballot only. In the absence of the president any

trustee may be appointed president for the time. It shall be the duty of the president, within the limits of the corporation to see that the laws relating to the village are properly executed; to recommend to the board of trustees such measures as he may think necessary and expedient. He shall have power and authority over the police of the village, and, as the head thereof, shall maintain peace and good order, and for that purpose shall have the power of arrest in the same manner as police constables. The president shall receive an annual salary of fifty dollars, which shall not be increased or diminished except by vote of the electors of the village at a legal election therein. The president shall also have power to administer oaths in relation to any matter pertaining to the board of trustees, but, except such salary, shall receive no fee or emolument whatever.

§ 11. Section sixteen of said act is hereby amended so as to read as follows:

§ 16. The board of trustees. — The board of trustees shall meet within fifteen days after each annual election, and thereafter shall hold stated meetings at such times and places as they shall by resolution direct. Special meetings of the board may be called at any time by the president of the village or by any two trustees, by a written notice thereof, signed by the officers calling such meeting or by the clerk, and served personally, or left at the residence of every member of such board not signing the call; such notices, when signed by the clerk, shall state upon whose call such meeting is to be held. A majority of the board shall constitute a quorum for the transaction of business. Each trustee shall receive an annual salary of fifty dollars, which shall not be increased or diminished except by a vote of the electors of the village voting at an annual election. The board of trustees shall have the management and control of the finances, and all the property, real and personal, belonging to the corporation; they shall examine, settle and audit all accounts chargeable against the village, of its officers and others, but shall not allow any claim against said village unless the same be properly verified as required by the provisions of the town law in respect to claims against towns. No trustee nor the president shall be interested in any contract to which the village is a party. The

board of trustees, within the limits of said village, shall have full power and authority:

1. To prevent vice and immorality; to suppress disorderly assemblages; to preserve peace and good order; to establish and maintain a competent police; to cause vagrants, idlers, disorderly persons and inspectors to be apprehended and punished; to protect the citizens and their property, and to promote the welfare and good government of the corporation.

2. To prohibit all descriptions of gambling, and seize and destroy the instruments and devices therefor.

3. To suppress disorderly houses and houses of ill-fame or licentiousness.

4. To direct the location of all slaughter-houses, markets and houses for storing gunpowder and other combustible and explosive substances, and to regulate the keeping, selling or conveying of gunpowder or other dangerous and inflammable material.

5. To prohibit the depositing and prevent the keeping of any unwholesome or noxious substance, and to compel the cleaning of any filthy place or building, and to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease therein, and to prevent and abate and remove nuisances.

6. To prohibit horse racing and immoderate driving in the streets; to prevent the encumbering or obstructing of any street, highway, crosswalk, sidewalk, sewer, ditch, gutter or sluice in said village, and to compel the owner or occupant of any premises in said village to clean the snow and ice, dirt or any material or other substance off the sidewalks, and to keep the gutters cleaned in front of such premises; and, in case any such owner or occupant shall make default in complying with the requirements of the said board of trustees in pursuance of this subdivision, such board shall cause the street commissioner or other officer or person to clean such sidewalk or gutter, and the expenses incurred in so doing, after having been duly ascertained and verified by the affidavit of such street commissioner, shall be included in a statement in the certificate to the assessors, referred to in section thirty-five of this act, if remaining unpaid, and the said assessors shall add ten per centum of such amount thereto, and thereupon place the same upon the tax-roll of said village to

collected, with respect to the premises in default, and upon which they are hereby made a lien, in addition to and in the same manner, and by virtue of the same warrant, as the general village taxes.

7. To prevent or regulate the ringing or tolling of bells, except those upon railroad cars or locomotives, the blowing of horns, crying of goods or wares, firing of guns, fireworks, gunpowder or other explosive compounds, and the making of any improper noise which might disturb the peace of the village.

8. To prevent or regulate bathing in the rivers or creeks within or opposite said village.

9. To establish, build and maintain a public pound within the corporate limits of the village of Owego, and to define the duties of the poundmaster; to restrain cattle, horses, sheep, swine, mules, geese and other animals from going at large in said village, under such penalty as they shall by ordinance prescribe, and to cause any such animals going at large to be impounded and sold to satisfy such penalty, and the fees and expenses of the poundmaster, and of the keeping of such animal or animals or fowls, and of the sale, in such manner as may be provided by such ordinance; or, in their discretion, to proceed by an action at law for the collection of such penalty from the owner of such animal or animals or fowls, who is hereby declared liable therefor.

10. To regulate the burial of the dead, and to protect the public cemeteries.

11. To establish, keep in repair and regulate public wells, pumps, cisterns, aqueducts, reservoirs and fountains.

12. To prohibit or regulate by license the exhibition for money of any circus, caravan, theatre, curiosities, tricks of legerdemain, or other shows or entertainments.

13. To prevent the use of any unsafe fireplaces, hearths, stoves, chimneys, stovepipe, smokehouse, ashhouse, or place for depositing ashes, and to authorize and require the fire-wardens to enter all buildings and enclosures to ascertain whether the arrangements therein for fires, or their disposition or preservation of ashes are safe, and to cause such as are dangerous to be put into a safe condition.

14. To regulate the use of locomotive engines, of any motive power, and of cars and the speed thereof within the village.

15. To provide for lighting the streets, and for night-watches: to erect and maintain a watchhouse or police station; to appoint watchmen and prescribe their duties, discipline and authority.

16. To regulate, control and limit the manner, places and periods of time of hitching or leaving teams, carts and wagons in the streets of said village; and to prohibit the picketing, baiting or feeding of horses, mules or oxen in said streets under penalties not exceeding five dollars in amount.

17. To regulate the use of candles, kerosene or illuminating materials of any kind, and of lights or fires in barns or stables, and other places liable to fire.

18. To provide said village with such standard weights and measures and standard balances as may be wanting, and appoint and provide for the compensation of a sealer of weights and measures for said village, whose powers and duties within the limit of said village shall be the same as those of a town sealer of weights and measures, and shall supersede within the limits of said village the powers and duties of the sealer of weights and measures for the town of Owego.

19. To restrain and prevent hawking and peddling in the streets, excepting by farmers and gardeners of their produce; to regulate, restrain or prohibit sales by auction in the village, and to grant licenses to auctioneers, peddlers, cartmen, expressmen and truckmen.

20. To sue and be sued, and to prosecute and defend in any court in the name of "The Village of Owego."

21. To execute and perform all such other powers and duties as are herein otherwise provided for in this act.

22. For the purpose aforesaid, or any of them, or of executing any of the powers conferred upon them by this act, to make, establish and publish, modify, amend and repeal ordinances, rules, regulations and by-laws, and to prescribe such penalties or fines as they may deem proper for the violation of them, not exceeding fifty dollars for any one offense, except as herein provided, and to collect the same of any person guilty of such violation in any court having jurisdiction of such cases; but all such ordinances, rules, regulations and by-laws shall be published at least two successive weeks in two of the newspapers of said village before they shall take effect.

23. All expenses incurred in prosecuting for any fine or penalty shall be defrayed by the corporation, and all fines and penalties when collected shall be paid to the treasurer for the use of the village. All actions brought to recover any penalty or forfeiture under this act, or under the rules, by-laws and ordinances made in pursuance of it, shall be brought in the name of the "Village of Owego," and in such action it shall be lawful to declare or complain generally for such penalty or forfeiture, stating the section of this act or rule, by-law or ordinance under which the penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made. The first process in any suit brought by the village for a penalty under this act, or a rule, by-law or ordinance adopted by the board of trustees in pursuance of said act, shall be a summons or warrant.

24. On application and complaint on oath of any person by which it shall appear that a fine or penalty has been incurred by reason of the violation of this act, or of any ordinance, by-law or rule of the corporation, made in pursuance of it, the police justice, if satisfied by such complaint that such fine or penalty has been incurred, shall issue a warrant requiring the offender to be brought before him to be prosecuted therefor, and such offender, in default of bail, shall be held in custody by the officer serving the warrant, or he may be committed to the common jail of Tioga county pending adjournment, in the same manner as if he were charged with being a disorderly person.

25. If the defendant in such action has no property, personal or real, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the county jail of Tioga county until such fine or penalty or forfeiture be paid, not, however, exceeding one day for each dollar of such fine, penalty or forfeiture, and not exceeding in all the term of thirty days.

26. In all cases the legal expenses for arrest, trial and punishment for crimes and misdemeanors, when on conviction, the fine, penalty or forfeiture goes to such village, shall be borne and paid by such village; in all other cases the legal cost of arrest, trial and punishment, or either, within the jurisdiction of and entertained by a police justice or police court of such village, shall be borne and paid by the town of Owego or the

county of Tioga, as the case may be. In all cases of imprisonment of persons charged with the commission of any offense or under sentence on conviction of any offense within the jurisdiction of any police court of said village such imprisonment shall be in the common jail of Tioga county, unless such county has a contract with some penal institution for the keeping of convicts, in which case, the imprisonment, if not in such county, shall be in such penal institution. In all cases where the law otherwise requires the commitment of offenders to some particular institution, such commitments shall be to such institutions accordingly.

27. Every ordinance, by-law, rule, resolution or proceeding of the board of trustees may be read and received in evidence in all courts of justice and in all places, and in all actions or proceedings, either from the original record kept by the clerk of the village, or from a copy of such ordinance, by-law, rule, resolution or proceeding, certified under the corporate seal by the clerk, or from any printed volume containing such ordinance, by-law, rule, resolution or proceeding with the certificate of the clerk that such volume contains a correct copy of such ordinance, by-law, rule, resolution or proceeding, and that the same was printed under authority of the board of trustees.

28. The board of trustees shall cause to be kept a record of its proceedings; all votes shall be taken by ayes and noes, when required by one of the trustees, and shall be entered in such record, and such record shall contain the names of the members of the board present and voting on any question, and the affirmative and negative votes of the members so voting.

29. Such board of trustees shall also have the power to cause to be refunded to any person the amount collected from him of any tax illegally assessed or levied. A two-thirds vote of all the members of the board shall be necessary therefor.

§ 12. Section seventeen of said act is hereby amended so as to read as follows:

§ 17. The supervisor shall represent the village at all meetings of the board of supervisors of Tioga county, and shall have all the several powers as a member of such board as is or shall be hereafter conferred upon the supervisors of towns.

§ 13. Section eighteen of said act is hereby amended so as to read as follows:

§ 18. The police justice shall have, within the village, and in cases where the alleged crime or misdemeanor has been committed within such village, exclusive jurisdiction, except as hereinafter provided, to issue all warrants, hear and determine all complaints, and to conduct all examinations and trials in criminal cases and proceedings and in special proceedings of a criminal nature, that may now by law be had by a justice of the peace, or before a court of special sessions; and such power and jurisdiction within such village shall be the same in such criminal cases and proceedings which justices of the peace now have by law, or which may hereafter be conferred upon justices of the peace, by law. Such police justice shall also have exclusive jurisdiction in all cases of charges of violation of the ordinances, rules and by-laws of the village. He shall also have authority to administer oaths, and take acknowledgments in matters relating to the village or to his office. He shall receive an annual salary of the sum of seven hundred and fifty dollars, to be paid quarterly by the village, which shall not be increased or decreased during his term of office, but shall not retain to his own use any costs or fees. Said police justice shall be subject to the same liabilities, and his judgments and proceedings may be reviewed in the same manner and to the same extent as now by law provided in case of justices of the peace. It shall be the duty of the said police justice to provide a suitable book, and therein to enter and keep a record of the several complaints made before him, in which a warrant or other process for the arrest of any person accused shall be granted, and of all cases in which the offender or person accused shall be brought before him without process; which record shall contain, under the proper date, a brief statement of the names of the parties, the nature of the offense charged, the action of the said police justice thereon, and an accurate record of all fines, penalties and costs imposed and collected by him, or which may be ordered to be paid by any offender; and annually, at least two weeks before the time of holding the charter election of said village, and oftener, when required by the board of trustees of the village, he shall make a report in writing, to the clerk of the village, of all fines, penalties and costs imposed and collected by him; and he shall pay over to the treasurer of such village all fines, penalties and costs in hand

belonging to such village, within one month after the receipt of the same. The police justice shall demand and receive in all proceedings before him for all services rendered by him as police justice the same fees as are now provided by law for justices of the peace in towns for like services, and all fees and charges, which may be legally payable, whenever suits or proceedings, civil or criminal, pending before him shall be settled or dismissed by consent, including constables fees. All such costs and fees and all fines and penalties or other moneys collected by him belonging to said village, shall be paid over to the treasurer thereof, as above provided, and any failure or omission to so pay over such fines or penalties or moneys shall be sufficient cause for the removal of said police justice from office. Such police justice shall keep an account of all such fines and costs, and all criminal business done by him and such portion of such criminal business as is by law chargeable to the county of Tioga, shall be made out by such police justice in an itemized bill, as is required by law, and he shall annually, at the time for presentation of bills against the county of Tioga, present in the name of said village said account properly made and verified to the board of supervisors of said county, and said board shall audit said account to the village of Owego, and levy the same in the same manner as other county charges; and such other portion of said criminal business as is by law chargeable to the town of Owego, shall be, in like manner, made out by him in an itemized bill, against the town of Owego, and seasonably and properly presented by him to the board of town auditors or town board as the case may be of the town of Owego, and said board shall in like manner audit said bill to the village of Owego, and the same shall be levied and collected in the same manner as other town charges.

§ 14. Section nineteen of said act is hereby amended so as to read as follows :

§ 19. The said police justice shall not be paid for such time as he fails to perform the duties of his office, and a ratable proportion may be deducted from his salary because of any such failure to perform his duties, and paid to the officer performing such duties, in pursuance of the provisions of this act. The docket of such police justice shall be open during office hours to public inspection. All processes, mandates, orders, commit-

ments or other official documents, made or issued by the said police justice, shall be signed, in addition to his name, "Police Justice," and when made or issued by the acting police justice, the same shall be signed in addition to his name, "Acting police justice."

§ 15. Section twenty of said act is hereby amended so as to read as follows :

§ 20. The civil jurisdiction of such police justice shall be limited to cases in which said village shall be a party in interest, and his judgments and proceedings in such cases shall be entered upon his docket, as above provided in criminal cases, and his judgments upon transcripts thereof duly issued by him, may be docketed in the office of the county clerk of Tioga county and thereupon become judgments of the county court of Tioga county, in the same manner as judgments in civil cases rendered by any justice of the peace of the county of Tioga. Nothing in this act shall be construed to limit, abridge or affect the jurisdiction of magistrates, within said village, or of any judge of a court of record. Such police justice may be removed from office in the same manner as a justice of the peace. When any person shall be arrested, without process, by a police constable, under sections twenty-six and twenty-seven of this act, and such person shall be brought before such police justice, such magistrate shall proceed forthwith to hear, try and determine the complaint or charge upon which such person is so arrested, and such person shall, upon conviction by such police justice, be fined by him in accordance with any by-law or ordinance of said village, for the punishment of such offense, and in default of the payment thereof, may be imprisoned in the county jail of Tioga county until such fine be paid, not, however, exceeding one day for each dollar thereof, nor in all exceeding the term of thirty days. All offenders shall be entitled, on demand, to trial by jury, as in cases triable before a justice of the peace.

§ 16. Section twenty-one of said act is hereby amended so as to read as follows:

§ 21. Acting police justice.—In case of the absence from the village or inability from any cause of the police justice to act, his powers and duties are hereby conferred upon such justice of

the peace of the town of Owego residing in the village as shall be designated and appointed by the president as acting police justice. Such designation and appointment shall be in writing, duly acknowledged and filed with the village clerk. Such acting police justice shall take the oath and file the bond required of the police justice, and in case of and during the absence or inability from any cause of the police justice to act shall have and exercise all the power and jurisdiction conferred upon the police justice by this act, and all the provisions of this act in reference to such police justice shall, in case of his disability or absence, be deemed to and shall apply to such acting police justice. He shall keep the same books, make the same reports and receive the same pro rata compensation as hereinafter provided, and all such compensation to which such acting police justice shall be entitled for performing the duties of police justice shall be deducted from the salary of the police justice above mentioned and paid on demand to such acting police justice. Except in the absence from the village or disability from any cause of the police justice to act, the acting police justice shall have no power or jurisdiction whatever except as hereinafter provided; when it shall be made to appear to him on oath, on application to him for process, that such police justice is absent from the village or unable to act from any cause, such acting police justice shall have jurisdiction to entertain and act on such application until such allegation of absence or inability shall have been shown to have been false, when he shall at once stay all further proceedings in such matter and dismiss such case and shall be entitled to no compensation therefor; but, having otherwise once properly obtained jurisdiction by the appearance before him of the defendant in any case or proceeding such acting police justice shall continue to hear and finally determine the same; and in case of the removal of the disability of the police justice his fees in such cases, after such removal, where jurisdiction was obtained as now provided, shall be payable by the village to him, and shall be the same as in similar cases before justices of the peace or courts of special sessions, and the amount of such fees when so paid, to be deducted from the salary of the police justice as above provided; the police justice may, however, notify the acting police justice by written notice of a disability or intended absence from the village on his part, and during the

period specified in such notice or during any total disability of the police justice, the salary of the police justice shall be paid to the acting police justice, and he shall receive no other compensation to his own use. Nothing in this section shall be so construed as to effect or impair any contract between the police justice and acting police justice in reference to the compensation above mentioned.

§ 17. Section twenty-two of said act is hereby amended so as to read as follows:

§ 22. Jurors in courts of special sessions.—All jurors in cases triable in courts of special sessions held as provided in this act, shall be drawn and summoned pursuant to the provisions of sections seven hundred and four, seven hundred and five and seven hundred and six of the code of criminal procedure, and a venire issued in pursuance thereof shall be served by any officer, to whom it is directed, and nothing in this act shall be construed as preventing or limiting the right of any constable of the town of Owego from making the legal charge and receiving the legal fee for such service from the town of Owego or said village when such town or village is otherwise or in pursuance of this act properly liable therefor.

§ 18. Section twenty-three of said act is hereby amended so as to read as follows:

§ 23. Chief of police and police constables.—The persons appointed police constables shall have the power and be subject to the same duties in criminal and civil cases cognizable by the police justice as constables of towns, one of whom shall be chief of police and all of whom shall be subject to the directions and orders of the president. They shall have the power and it shall be their duty to keep order in all public places in the village; to arrest persons concerned in riotous or noisy assemblages or who are breaking the peace or violating this act or the by-laws, rules or ordinances of the village; arrest them and forthwith convey them before the proper authority to be dealt with according to law, and to keep and retain such persons in custody until committed or discharged. Said police constables shall have power to execute any warrant or process issued by justices of the peace of the county of Tioga. The said police constables shall be paid for their services such annual salary as the board of trustees shall by resolution direct.

§ 19. Section twenty-four of said act is hereby amended so as to read as follows:

§ 24. Service of process, etc.—All process and mandates issued by the police justice or acting police justice of said village requiring service, shall be served by the police constables or by the proper officers of the State competent to serve the same, but when served by the police constables they shall be served without fees to their own benefit, but they may demand and receive for all processes served by them properly chargeable to the town or county, the same fees as are provided by law for constables for like services. And they shall keep an accurate account thereof, and the same shall be made out and presented by them in the name of the village of Owego to and be audited by the respective boards, as provided in section eighteen of this act for the benefit of said village.

§ 20. Section twenty-five of said act is hereby amended so as to read as follows:

§ 25. Constables and other officers.—It shall not be lawful for any constable to make any charge against said village, or the town of Owego, or the county of Tioga, for services rendered (except for serving a venire) in or respecting any criminal arrests, or proceedings before magistrates or courts of special sessions, or in or respecting any cases, trials or examinations in said village, where the subject-matter thereof arose, or is charged to have arisen in said village. And it shall not be lawful for any officer, except the police officers of said village, to make any charge against said village, town or county for services rendered in making any summary arrests for misdemeanors, intoxication, tramps, vagrants, or under the statute relating to disorderly persons, where the subject-matter thereof arose in said village. And it shall not be the duty of any officer to perform any services for which he is hereby prohibited from making a charge.

§ 21. Section twenty-six of said act is hereby amended so as to read as follows:

§ 26. Assessors.—Whenever the certificate mentioned in section thirty-four of this act shall have been duly delivered to the assessors by the clerk of the village, the assessors shall immediately proceed to make valuations of the estate, real and personal, subject to taxation within the village, and shall prepare an assessment-roll thereof, and for the purpose of making such

valuation and assessment-roll, they shall possess and exercise the same powers, be subject to the same duties and liabilities and laws, and perform the same duties as assessors of towns in performing like duties, except as otherwise herein directed. Ten days notice shall be sufficient of the time and place at which the assessors will meet to review the assessment-roll. When the same shall have been reviewed and corrected, they shall estimate and set down, in a separate column, to be prepared for that purpose, in the assessment-roll opposite to the several sums set down as the valuations of real and personal estates, the respective sums in dollars and cents to be paid as a tax thereon; and shall add up and set down the aggregate valuations and the aggregate taxes to be paid thereon; and shall annex thereto a warrant, under their hands or the hands of a majority of them, commanding the treasurer and collector to receive and collect from the several persons named in the assessment-roll, the several sums mentioned in the last column of said roll opposite to their respective names, within ninety days from the date of said warrant, and shall then immediately deliver the same to the treasurer; they shall also prepare a true copy of such roll, and file the same, with their certificate that it is such copy, with the village clerk.

§ 22. Section twenty-seven of said act is hereby amended so as to read as follows:

§ 27. **Omitted property.**—Whenever it shall appear to the assessors of the village that any land or property legally liable to taxation in said village has been omitted in the assessment-roll of the next preceding year, it shall be the duty of said assessors, upon the application of the trustees of the village of Owego, made at a meeting thereof, to enter said land or property in the assessment-roll of the current year, at the valuation of the year in which said tax was omitted, or if not then valued, at the valuation of the preceding year, in separate line from the valuation of the current year, and fix the amount of tax according to the valuation as hereinbefore mentioned, using the rate per centum of the year in which such property was omitted, and set it down in said separate line in the assessment-roll for the current year, to be collected by the same warrant and authority, and, in the same manner as the ordinary taxes for the current year.

§ 23. Section thirty-two of said act is hereby amended so as to read as follows:

§ 32. **The clerk.**—The clerk shall attend all meetings of the electors on the business of the corporation, and all meetings of the board of trustees; record their proceedings; keep an accurate account of all orders drawn on the treasurer, in a book to be provided for that purpose; and keep all books, records, deeds and writings belonging to the corporation, and to deliver the same to his successor on demand; have power to administer oaths and take acknowledgments in all matters relating to the village, or to this act; and shall be clerk of all elections as prescribed in section seven of this act. It shall also be the duty of the clerk to make and sign an entry or record, in a book to be provided for that purpose, of every ordinance or by-law enacted by the board of trustees, and of the term of publication thereof; and the said record thereof, or a copy of such record duly certified as such by said clerk shall be presumptive evidence in all courts and places, of the due passage and publication of such ordinances and by-laws. It shall also be his duty, immediately upon the filing with him of the certificate of the trustees of the result of any election held in such village, to notify, in writing, every person so certified to have been elected to any office of his said election; and also, upon the appointment by said board of trustees of any person to any appointive office, as provided in this act, to notify, in like manner, such person of such appointment; it shall also be the duty of the clerk to report to the board of trustees the names of all persons elected to any office who shall have neglected to file their bond or other security, or to take the oath of office, according to the requirements of this act, at the next meeting of such board of trustees after such default; it shall also be the duty of the clerk to furnish to every officer appointed by the board of trustees to any office a proper certificate thereof, under the village seal, signed by the president and attested by the clerk, which certificate shall, in all courts and places, be presumptive evidence of such appointment. The clerk shall also have such other powers and duties as are conferred and enjoined upon him by this act.

§ 24. Section thirty-three of said act is hereby amended so as to read as follows:

§ 33. General fund.—At least ten days prior to each annual election the board of trustees shall prepare an estimate of the moneys necessary and proper to be raised during the year then next ensuing, and to pay the general debts and expenses of the corporation, except for particular purposes as hereinafter set forth, and to carry into effect the several powers and privileges granted by this act, not otherwise specifically provided for, which estimate shall be filed with the clerk ten days before such election, and be open to the inspection of any elector at all reasonable hours until such annual election; at such annual election the same shall be submitted by the president or other presiding officer to the meeting of electors, which shall be made at twelve o'clock noon on such day, and such meeting may thereupon, by resolution, direct to be raised by tax on such village for the purposes herein mentioned, not exceeding the sum of seven thousand dollars in any one year, as they shall deem necessary and proper, and the sum so authorized shall be assessed and levied, and certified to the assessors by said board of trustees, in the manner hereinafter specified in the next section.

§ 25. Section thirty-four of said act, as amended by chapter one hundred and seventy of the laws of eighteen hundred and seventy-two, is hereby further amended so as to read as follows:

§ 34. Annual tax budget.—On or before the first day of April in each year the board of trustees shall determine by resolution, subject to all the provisions and limitations of this act, the amount of money necessary to be raised by tax for each and every purpose for which such village, or said board of trustees, are authorized to raise money by tax on the real and personal estate of such village generally, and shall direct the aggregate amount thereof to be so raised, assessed and levied, and immediately upon the passage of such resolution the village clerk shall cause an exemplified copy thereof, duly signed by the president and attested by the clerk, and under the corporate seal of the village, to be personally served upon each of the assessors of the village, and upon the village treasurer, and shall thereupon cause due proof of such service of such resolution to be properly made and executed on oath and filed in his office.

§ 26. Section thirty-five of said act, as amended by chapter one hundred and seventy of the laws of eighteen hundred and seventy two, is hereby further amended so as to read as follows:

§ 35. **Assessment-roll.**—The assessors shall thereupon proceed immediately, as prescribed by sections twenty-six and twenty-seven of this act, and until the first day of May thereafter, to ascertain by diligent inquiry the names of all the taxable inhabitants in said village, and also the taxable property, real and personal, within the same, and such assessment and valuation shall be completed on or before the first day of June in every year; they shall thereupon cause one fair copy thereof to be made out in ink and left with one of their number, and shall cause due notice thereof to be posted in at least two public places in each of the several wards of said village of the time, when, and the place, where, they will meet to review their said assessment-roll; such notice shall be so posted at least ten days previous to the day fixed for such review, and at the time and place so specified such assessors, or a majority thereof, shall meet for such purpose, and shall proceed to review the same in like manner and with like powers and duties in respect thereto, consistent with the provisions of this act, as assessors of towns, in relation to the assessment-rolls thereof. Upon the final completion of such review such assessors shall proceed to estimate and set down the respective amounts of tax to be paid on such valuations as prescribed by section twenty-six of this act, and, after having duly completed such roll, they shall verify the same as assessors of towns are required by law to verify their rolls, and shall attach to such roll the warrant specified in said section twenty-six of this act. They shall thereupon prepare and duly certify the copy thereof mentioned in said section twenty-six of this act, and file the same with the village clerk, and give the notice of such filing as required by section nine of chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty, and the filing of such copy of said roll, duly certified as above required, shall be deemed a compliance with so much of said section nine of said chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty, as requires the filing of the original roll; and such act shall be applicable to all the proceedings of the said assessors in making such assessments, and valuations and the extension of all the taxes thereon, in pursuance of this act. The provisions of section eight of said chapter two hundred and sixty-nine of the laws of eighteen hundred and eighty, as amended, shall also be applicable, so far as consistent with this

act. to such assessments and taxes, substituting the board of trustees of said village for the board of supervisors, as therein provided.

§ 27. Section thirty-seven of said act, as amended by section two of chapter eighty-one of the laws of eighteen hundred and fifty-nine is hereby further amended so as to read as follows:

§ 37. Unpaid taxes.—All taxes and assessments which shall remain unpaid for three months after the date of the warrant authorizing the collection thereof, shall bear interest at the rate of twelve per centum per annum from the date of the warrant, and such taxes with such interest thereon, may be added to the taxes of the persons liable therefor, and assessed against them upon the assessment of any subsequent tax but such addition and assessment shall not be deemed to abridge, impair or affect in any manner any other remedy for the collection of such taxes provided by this act. In case the collector shall return that a tax or assessment on any estate is unpaid, and that he is unable to collect the same, the trustees are authorized and empowered, after the lapse of thirty days after the date of such return, to prosecute a civil action, in any court having jurisdiction thereof, against the owner or owners of such estate in the corporate name of the village, and recover judgment for such tax, with twelve per centum interest thereon from the date of the warrant for its collection, and all necessary costs and expenses of said action. Said trustees may cause a transcript of such judgment to be filed and such judgment docketed in the county clerk's office of Tioga county, and the same, however small the amount, shall thereupon become a judgment of the county court of said county and be a lien on all real estate of the judgment debtor situate in the county where such judgment is docketed; and such real estate may be sold on execution issued to the sheriff of the county where the judgment is docketed. If not collected out of the personal property of the debtor in the manner prescribed by law, and all the provisions of law in respect to the sale and redemption of real estate on execution shall apply to the sales and redemptions under this act.

§ 28. Section thirty-eight of said act, as amended by section fifteen of chapter three hundred and seventy-three of the laws

of eighteen hundred and ninety, is hereby further amended so as to read as follows:

§ 38. **Renewal of tax warrant.**—The board of trustees may renew from time to time, any warrant issued by them or by the assessors under any of the provisions of this act for the collection of any tax or assessment, returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or warrant specify the time when the same shall be returned, and direct the collection of the interest on such taxes or assessment as the same is given to the village by this act; and the same proceedings shall be had thereon as upon the first warrant after the expiration of the time for receiving taxes by the treasurer.

§ 29. Section forty-two of said act, as amended by section one of chapter three hundred and two of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows :

§ 42. **Powers of trustees as to highways.**—The said village is hereby declared a separate road district, and exempt from the superintendence of the commissioners of highways of the town of Owego. The trustees of said village shall be commissioners of highways in and for said village, and shall have all the powers which commissioners of highways of the several towns of this State had on the first day of January, in the year eighteen hundred and ninety, subject, however, to all the provisions of this act. They shall also have the power to regulate, repair and construct crosswalks, sidewalks and sewers, and to pave, plank, grade, straighten, widen, discontinue, alter and clean the streets, alleys, highways, bridges, side and crosswalks, drains and sewers in said village; to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury. They shall also have the power to determine, by a resolution, to be entered in the proceedings of the minutes of the board, what part or portion of the expenses of such improvements, if any, shall be defrayed by such village, and what part by assessments upon the property or premises adjoining or benefited thereby, and to fix the terms on which connections may be made with any of the village sewers. In making any assessments for any local improvements pursuant to this section, the same shall be made after the completion of such improvements, upon the owners or occupants of such

property or premises adjoining, or, in the judgment of said board, benefited thereby in the manner hereinafter prescribed for making such assessments; provided, however, that in all cases of constructing new sewers, where any portion of the expense thereof is defrayed by local assessment, or of paving streets, one-third of the expense thereof shall be defrayed by said village, and two-thirds thereof by persons owning property adjoining or benefited thereby. But no public improvement, the expense of which in whole or in part, is to be defrayed by local assessments shall be made, until first requested by a petition, signed by at least a majority of the owners of the property to be assessed for such improvement, or, unless at least five-sixths of the board of trustees shall concur in voting on any such improvement to be expedient and shall determine to make the same, in which case no petition or request shall be necessary. They shall also have the power to cause such streets, lanes, alleys and highways in said village or any part or parts thereof, which shall have been heretofore laid out, but not recorded or sufficiently described, and such as have been used for twenty years, but not recorded, to be ascertained, described and entered on record, in a book to be kept by the clerk of the village. Whenever any of the improvements or repairs, or any of the other acts herein authorized to be done by said board of trustees, at the expense in whole or in part of persons whose property shall adjoin or be benefited thereby, shall have been made or done by said board of trustees, and be, as above provided, chargeable upon owners or occupants, the expense thereof shall be assessed by said board of trustees upon the owners or occupants of the lands or premises adjoining or benefited. Such expense shall be so assessed to such owners or occupants by name, when known to said board of trustees, and, when unknown, to the unknown owners of such lands and premises, describing the same. Such assessment shall be so apportioned among such owners or occupants in proportion to the value of such premises and the amount of benefit thereto, as such board, or a majority thereof, shall deem just. Such assessment shall be left with the village clerk who shall give public notice in two newspapers designated by said board that the same has been left with him, and that the board of trustees will on a certain day to be therein specified, which shall not be less than ten days from the first publication of said notice, proceed to confirm said

assessment. During that period, or upon the day so specified, any person interested may appear before said board of trustees and apply to have such assessment altered or corrected as justice may require. The same may thereupon be corrected by them upon proper cause shown, and their action may be reviewed in the same manner as the actions of the assessors of towns; and after the determination of such applications, if any, such assessment shall be thereupon confirmed by said board without further notice. All such assessments shall constitute a lien upon the lands or premises respectively, upon or for, or in respect of which they have been made. Within twenty days thereafter such assessments may be paid to the treasurer of the village. If any such assessment shall remain unpaid at the expiration of said twenty days, the said board of trustees shall issue their warrant to the collector of said village, under their hands and corporate seal, who shall thereupon proceed to collect the same, as directed in section fifty-two of this act, in respect to sidewalk expenses, and the same proceedings shall be had thereupon and thereafter for the collection thereof as is therein provided for the collection of sidewalk expenses, after the said sidewalk expenses have been ascertained, and the amount verified. Nothing in this section shall be deemed to affect any bridge in the town of Owego, over either Susquehanna river, the Owego creek, Archibald creek, Nichols' Hydraulic canal or Huntington creek, but all such bridges shall be, and continue to be under the jurisdiction and superintendence of the highway commissioners of the town of Owego, and the construction and repairs of all such bridges shall continue to be at the expense of the town of Owego.

§ 30. Section forty-three of said act is hereby amended so as to read as follows:

§ 43. **Laying out and altering streets, et cetera.**—The board of trustees shall have the power to lay out new streets, and to alter, straighten or widen, any existing street or alley, and for any of the purposes hereinabove specified may remove buildings, fixtures and erections of any kind, and may lay the same through any orchard, garden, yard or enclosure; and for the purpose of laying out, altering, straightening or widening any street, no certificate of freeholders shall be necessary.

§ 31. Section forty-four of said act, is hereby amended so as to read as follows:

§ 44. Appeals from orders of trustees, laying out, et cetera.—Any person who shall conceive himself aggrieved by the determination of the trustees, either in laying out, altering or discontinuing, straightening or widening any street, alley or highway, or in refusing so to do, may at any time within thirty days after such determination shall have been entered upon the village records, appeal to the county judge of Tioga county by serving notice of such appeal upon the president or clerk of the village, signed by and specifying therein the residence and post-office address of such appellant. The said judge, or in case of his interest in the lands through which said street, alley, or highway runs, or is laid, or, in case he is of kin to any person so interested, or in case of his disability for any cause, then one of the justices of the sessions, shall, after the expiration of the said thirty days, upon application of said trustees, made upon notice of at least five days, to all parties who have appealed, such notice to be served personally upon, or left at the residence specified in the notice of appeal, of any appellant who shall reside in the village, and in any other case, by mail to the post-office address therein named, appoint, by order in writing, three disinterested freeholders, who shall not have been named by the parties interested in the appeal, unless by stipulation of all the parties interested, and who shall be residents of the county of Tioga, but not of said village, as referees to hear and determine all the appeals that may have been brought from such determination. The said referees upon service of the order so appointing them, shall proceed to hear the appeal or appeals; they shall, before any proceedings are had, be sworn by some officer authorized to take affidavits, faithfully to hear and determine the matters referred to them; they shall give notice in writing to the appellants and other parties interested, and the president, clerk or village attorney of said village of the time and place of such hearing; they shall view the premises and hear such competent proofs and evidence as may be offered, and any of them may administer oaths to and issue process to compel the attendance of witnesses; they, or a majority of them, shall thereupon affirm, modify or reverse the determination appealed from, and sign two certificates of their decision, one

of which they shall deliver to the party appealing, and one to the village clerk, who shall record the same in the village book containing the street records.

§ 32. Section forty-six of said act, as amended by section four of chapter eighty-one of the laws of eighteen hundred and fifty-nine, is hereby further amended so as to read as follows:

§ 46. **Assessment of damages.**—Such damages shall be assessed by not less than three commissioners, to be appointed by the county court of said county, or by the supreme court, on the application of such trustees made upon a verified petition stating the facts, and also the names of the parties who may have or claim to have a right to an award for damages sustained as set forth in section forty-five of this act, so far as such names are known to the petitioners, and all of which parties shall have had at least five days' notice of such application served personally or left at their respective residences, if residents of said village, and at least eight days' notice thereof, served by mail, if not residents thereof, and their places of residence are known to the petitioners, and if unknown, at least ten days' notice put up in a conspicuous place on said premises so damaged or which may be claimed to be damaged as aforesaid. Said commissioners, so appointed, shall, upon service of a copy of the order of their appointment, first take an oath, honestly, fairly and impartially to assess upon damages, and shall, on receiving at least six days' notice of the time and place, meet such trustees, or their lawful representative or attorney, and upon due proof made that all the parties in interest, or the father, or, if there be no father, the mother, or if there be no father or mother, the general guardian of such of them as are minors, if there be such general guardians, have had due notice, shall take a view of the premises and proceed to determine such damages. The manner and time above set forth for service of the notice of application for the appointment of such commissioners, shall also apply to service of notice of such hearings. Such commissioners shall hear the parties, and such witnesses as may appear or be offered before them, and shall assess all damages which shall be required to be assessed on the same street or alley, and shall be authorized to administer oaths to witnesses who may be produced before them under this section, and to issue pro-

cess to compel the attendance of witnesses, and may compel such attendance and testimony thereof, in the same manner as a referee appointed by such court; they may adjourn from time to time as may be necessary, and when they shall have so met and acted, the assessments agreed to by a majority of them shall be valid; the same shall be reduced to writing, and signed by them, or a majority of them, and delivered with the evidence and proceedings before them to the village clerk, who shall file the same, and record the report of the commissioners. Any one or more of such assessments may be set aside for error in law on the application, by notice served on the party or parties affected by the assessment sought to be set aside, or on the president, clerk or village attorney of said village, if the application be otherwise than on behalf of the board of trustees, and also filed with the village clerk, which notice must be so served and filed within thirty days after the filing of the report of such commissioners, above mentioned. Such notice must state that the party filing it, and serving it as above provided, thereby applies to have such assessment vacated and set aside for errors in law, and specifying the assessment, and also the errors upon which he relies to vacate and set aside such assessment. Such application may thereupon be brought to a hearing, on notice, served as a notice of motion by either party, upon the errors so specified, at any county court in said county, or at any special term of the supreme court, held in the judicial district, at which enumerated motions may be noticed for hearing or argument; the applicant shall furnish the court on such hearing with copies of so much of the evidence and proceedings before such commissioners as relates to the application, and the court, on such application, may affirm such assessment or vacate and set aside the same and appoint new commissioners, who shall thereupon proceed in all respects with regard to the assessment or assessments in respect to which the application is made, as the commissioners first above, in this section mentioned, and with the like effect. Costs on such application may be awarded the successful party, as specified in section forty-eight of this act. The commissioners mentioned in this section shall, in assessing the damages, take into account and consider the benefit, if any, that will naturally accrue to the land through which the laying

out, altering, straightening, or widening, of the street, alley or highway is proposed and shall make allowance for such benefit, if any, in assessing the damages caused by such proposed improvement.

§ 33. Section forty-seven of said act, as amended by section six of chapter three hundred and twenty of the laws of eighteen hundred and fifty-four, is hereby further amended so as to read as follows:

§ 47. **Payment of damages and removal of buildings.**—When the amount of such damages shall be finally ascertained, the trustees shall cause to be paid or tendered the same to the person to whom the same shall have been allowed; but in case the owner shall refuse the same, or be unknown, non-residents of the village, infants, idiots, lunatics, or the rights and interests of the person claiming the same shall, in the opinion of the trustees, be unknown or doubtful, it shall be lawful for the trustees in such case to pay the amount of such damages to the treasurer of the county of Tioga, accompanied by a statement of the facts and circumstances under which such payment is made; the damages so paid to such treasurer, shall be invested and paid over by him, in the same manner as other moneys paid into court; said damages shall be paid from the general fund of the village, or from the street fund hereinafter provided for, or part from each, in the discretion of the trustees. The supreme court shall award such moneys so paid to such treasurer to the proper parties on application, and proof of title thereto. In making the assessment specified in section forty-six the commissioners shall state the amount allowed for removing any building, fixtures, or erections of any kind, and the trustees may deposit the amount thus awarded for such removal with the treasurer of the county of Tioga, for the benefit of the party entitled to the same, and such deposit shall be equivalent to payment or a tender, as provided in this section; and in case the party claiming or entitled to the amount so allowed shall, within thirty days from the time such deposit is made, remove the building, fixtures or other erections, he shall then, and not before, be entitled to receive the amount thus deposited from the treasurer aforesaid; and in case such building, fixture or other erection is not removed, as above provided, the trustees shall cause the same to be removed, and the expense thereof, when ascertained and certified by the trus-

tees, shall be deducted from the amount allowed and the said treasurer shall pay the amount, so certified to be the expenses of removal out of the moneys so deposited with him to the treasurer of the village and the remainder, if any, to the party to whom the same may have been allowed, or who is entitled to receive it.

§ 34. Section forty-eight of said act is hereby amended so as to read as follows:

§ 48. Costs.—In all cases of assessments of damages, under this act, the costs thereof shall be paid by the village, and the commissioners to assess the same shall be entitled to receive three dollars each for every day spent in making such assessment, except upon an appeal, or upon an application to set aside the report or award of commissioners, under either section forty-four or section forty-six of this act, the court or judge may award costs, not exceeding twenty-five dollars to the successful party, and if a rehearing be adjudged, and a new commission appointed, the county court of Tioga county or the supreme court, at any special term in the judicial district after the report thereof, upon motion, showing the facts, may award costs not exceeding twenty-five dollars, in its discretion, and disbursement to such applicant, if the final award of damages shall be more favorable to such applicant in the sum of fifty dollars than the award previously set aside, and unless more favorable, in at least such sum to the applicant, costs as above set forth, and disbursements may be awarded against the applicant, but all the costs so awarded against any party, or any rehearing shall not exceed the amount above limited.

§ 35. Section forty-nine of said act is hereby amended so as to read as follows:

§ 49. Street fund.—The expenses of working, paving, macadamizing, rolling, repairing, cleaning, planking, grading and draining the streets and alleys, and of making and repairing cross-walks therein, shall be denominated street expenses, and in addition to the amount raised by the trustees for ordinary expenditures, the trustees shall have power, in any one year, to raise by tax such sum as they may deem necessary, not exceeding in any one year the amount of one per centum on the assessed valuation of such village, to be denominated street fund, to work

and improve the roads, avenues, streets, public squares, parks, lanes, alleys, sidewalks and cross-walks of said village, on all persons and incorporated companies owning property and estate, real and personal, in said village, to be assessed and collected as all other taxes are by the provisions of this act. The money so raised, shall be devoted to the purposes expressed in this section, and kept apart as a separate and distinct fund by the treasurer.

§ 36. Section fifty-two of said act, as amended by section three of chapter four hundred and twenty-six of the laws of eighteen hundred and sixty-five, is hereby further amended so as to read as follows:

§ 52. Improvement of sidewalks.—The trustees shall have power to compel the owners or occupants of lands or lots in front of or adjoining which a sidewalk is to be made or repaired, to make such improvements upon the sidewalk in front of said land or lot, to determine and prescribe the manner of doing the same, and the materials to be used therein, and the quality or kind of such materials; and in case the owner or owners, occupant or occupants of any such land or lot shall neglect or refuse to complete the said required improvement within such reasonable time as shall be required by the trustees, the said trustees shall cause such improvement to be made or completed, and the expense thereof, when returned and verified by the affidavit of the street commissioner, and payment thereof demanded by said street commissioner or the clerk of the village, said expenses, if not then paid on such demand, may be immediately sued and collected, as provided in section thirty-seven of this act, with interest at the rate of twelve per centum per annum, from the time of such demand, or, with such interest added, may by said board of trustees, assessed on such owner or owners so neglecting or refusing, and be certified to the assessors, and placed on the assessment-roll and assessed on the lands and premises with respect to which said improvement was ordered, and collected in addition to and in like manner as other taxes are directed to be collected by this act, and the same remedies may be had and pursued, in all respects, as for the collection of general village taxes. But nothing in this section shall be so construed as to prevent the trustees from making expenditure of money from the street fund above provided for, in and toward the construc-

tion, alteration or repair of sidewalks in such village, whenever and wherever they may deem the same more for the benefit of all the inhabitants of such village than for such adjoining owners or occupants, provided that such last-mentioned expenditures for sidewalks shall not exceed in any one year the sum of seven hundred and fifty dollars, unless the taxpayers of such village, at a meeting specially called for that purpose, upon ten days' notice, at which at least thirty taxpayers shall be present, shall authorize by resolution a larger expenditure. The resolution adopted at such meeting, duly authenticated, shall be placed with the records of such village, entered on the minutes of the trustees.

§ 37. Section fifty-five of said act, as amended by chapter one hundred and eighty-one of the laws of eighteen hundred and sixty, is hereby further amended so as to read as follows:

§ 55. **Disorderly conduct at fires.**—Every person who shall, at the time of any fire, be guilty of insubordination, or of disorderly conduct, or shall willfully attempt to obstruct the operations of the fire department, or the execution of the orders of any of its officers, or to excite insubordination in others, shall for each offense forfeit such penalty as shall be provided by the by-laws or ordinances of the village, not exceeding twenty-five dollars. Any person who shall be guilty of any of the offenses mentioned in this or the preceding section, shall be deemed guilty of a misdemeanor, and may be ordered into custody by the president, or any one of the trustees, or engineers of the village, present; and it shall be the duty of any police constable, immediately to arrest the offender and take him before the police justice, where such offender may have an examination or trial, as he shall elect, before a court of special sessions. For such offense upon conviction, the accused may be punished by a fine not exceeding fifteen dollars, or by imprisonment in the county jail not exceeding ten days, or by both such fine and imprisonment.

§ 38. Section fifty-six of said act is hereby amended so as to read as follows:

§ 56. **Removal of firemen.**—The trustees shall have power to remove any member of the fire department, for cause, after giving him five days' notice of the charges against him, requiring him to show cause against such removal, and an opportunity

of being heard in his defense, and in the meantime may suspend him without notice.

§ 39. Section fifty-seven of said act, as amended by section twenty of chapter three hundred and seventy-three of the laws of eighteen hundred and ninety, is hereby further amended so as to read as follows:

§ 57. **Lamp and watch fund.**—The board of trustees may raise annually such sums as shall be necessary to light the streets and maintain a watch; such moneys shall be raised by a tax on the real and personal property in said village which tax shall be levied and assessed and certified to the assessors and shall be collected and paid into the treasury in the same manner as the general village taxes.

§ 40. Section fifty-eight of said act, as amended by section twenty-one of said chapter three hundred and seventy-three of the laws of eighteen hundred and ninety, is hereby further amended so as to read as follows:

§ 58. **Fire limits.**—No building or buildings, except buildings of iron, brick or stone with slate, tile, gravel, composition or metallic roofs shall hereafter be moved or constructed within or upon any portion of the limits or territory in this section mentioned and described; that is to say: Commencing at the Susquehanna river, at a point where the center of Church street strikes said river; thence northerly along the center of Church street to the center of Temple street extended; thence westerly along the center of Temple street to the center of Central avenue extended; thence southerly along the center of Central avenue to the southern side of Main street; thence along the southern side of Main street to a point one hundred feet westwardly from the western boundary of Park street; thence southerly parallel to the western boundary of Park street; and at a distance of a hundred feet therefrom to a point one hundred feet northwesterly from the northern boundary of Front street; thence westerly on a line parallel with the northern boundary of Front street and at a distance of one hundred feet therefrom to a point at which the division line between the lands in possession of Eugene B. Gere, on the east, and lands owned by Lydia Lovejoy on the west, leading from Front street to the Susquehanna river, will intersect the same; then on said division line extended to the Susquehanna river; thence up said river to the place of

beginning. But the board of trustees shall have power by ordinances, from time to time, to alter and change said limits, and restrict but not enlarge the same. Whoever shall construct or move, or cause to be removed, hire or authorize to be constructed or moved any other or different description of building within the limits therein described or that may hereafter be prescribed by the said board of trustees in conformity with this act, shall incur a penalty of two hundred and fifty dollars, to be recovered in an action by the village of Owego; and the owner or lessee of the premises wherever such building shall stand shall also incur a penalty such as the board of trustees may, by general ordinance from time to time prescribe, not exceeding fifty dollars for each week he shall suffer, permit or allow such building to continue without removal, upon such premises within such limits. Such penalty to be recovered in an action by the village of Owego, and upon a recovery of either of the penalties in this action prescribed, execution may issue against the person in the form prescribed by subdivision twenty-five of section sixteen of this act, but such penalties or either of them may be remitted in whole or in part by a resolution of said board. An action for the penalty or penalties prescribed by this section, or in pursuance of it, may be brought in any court having jurisdiction of such an action. No wooden building now situated within said fire limits shall be enlarged, added to, altered or repaired to a greater extent than one-tenth part of the value of such building unless such enlargements, additions, alterations, or repairs are of stone, iron or brick; the value of such building and also of such enlargements, additions, alterations and repairs to be determined by a majority of the said board of trustees. Any person violating the last foregoing provision of this section shall be subject to the penalties above, in this section, provided, viz.: Two hundred and fifty dollars for so enlarging, adding to, altering or repairing such building, and of not exceeding fifty dollars per week for the time he shall allow the same to so remain without removal. But this section shall not apply to any building partially destroyed by fire, unless, in the judgment of a majority of such board of trustees, such partial destruction shall amount in value to two-thirds of the whole value of such building before such partial destruction.

§ 41. Section sixty-four of said act is hereby amended so as to read as follows:

§ 64. **Water fund.**—In addition to the powers above specified in this act, vested in the board of trustees of said village, they shall have power and they are hereby authorized to contract with any water company for supplying the village with water for the purpose of extinguishing fires, and to assess and collect the amount agreed to be paid in such contract, as other village taxes are assessed and collected, and any such contract entered into by the trustees of said village shall be valid and binding upon the village, provided, however, that no such contract shall be made for a longer period than ten years, nor for a sum exceeding in the aggregate sixty cents per capita per annum of the population of the village, unless the proposition for the same be submitted to a vote of the citizens in the manner provided by section forty-one of this act and approved by a majority of the voters entitled to vote on such questions, and voting at an annual election or at a special election duly called for that purpose.

§ 42. Section sixty-five of said act, as amended by chapter two hundred and ninety-eight of the laws of eighteen hundred and seventy-nine, is hereby amended so as to read as follows:

§ 65. **Cemetery fund.**—The said board of trustees, in addition to the powers above vested in them by this act, shall have power, at any time after the annual election and before the first day of April, in any year, to direct a sum or sums of money not, however, exceeding in all the sum of one thousand dollars in any one year, to be raised by tax on said village, for the purpose of improving and embellishing the cemetery of said village, which last mentioned sum or sums shall be assessed, collected and paid over in the same manner as the general village taxes, but when so raised shall be applied exclusively to the improving and embellishing of said cemetery.

§ 43. Section sixty-six of said act is hereby amended so as to read as follows:

§ 66. **Trustees may purchase and hold real estate.**—In addition to the powers above specified, vested in the board of trustees by this act, they shall have power to purchase and hold real estate for the use of the village, and may contract, upon the credit of the village, for the purchase of the same, and may also purchase upon the credit of the village, fire engines and other necessary appar-

atus for the prevention and extinguishment of fires; and may also upon the credit of the village, erect suitable and convenient buildings for the use of the village; and the trustees shall have power to provide for the payment of any indebtedness of the village, for the purposes herein mentioned, by the issuing of corporation bonds, drawing an annual interest not exceeding four per centum, such bonds shall bear the corporation seal, and be properly signed by the trustees, or a majority of their number, and attested by the clerk of the village, and entered in a book provided for that purpose; provided, however, that no such purpose hereafter be made, for such indebtedness created unless the same shall be first authorized by the taxable inhabitants of the village, at a meeting convened in the manner provided by section forty-one of this act; and the persons so convened at such meeting, and who are entitled to vote, as provided by said section forty-one of this act, and no others, may, by a majority of those present, entitled to vote, authorize such purchase to be made and such debt to be created; and the trustees for the purpose of paying such indebtedness, and redeeming any bonds so issued by them, and for the purpose of paying the interest upon the same, may, from time to time, raise by tax, and levy and collect in the same manner as the general village taxes such sum as shall be sufficient for that purpose, and they may raise in the manner aforesaid in any one year, a sum sufficient to pay the whole of any such indebtedness or any part thereof. But there shall be no indebtedness created under the provisions of this section, except for fire engines and other necessary apparatus for the prevention and extinguishment of fires, exceeding in the aggregate the sum of eight thousand dollars.

§ 44. Inconsistent acts repealed.—From and after the passage of this act, all acts or parts of acts inconsistent with or repugnant to this act are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair, or take away any right or remedy acquired or given by any acts hereby repealed, and all proceedings commenced under any such former act, shall and may be carried out and completed; and all prosecutions for offenses committed or penalty or forfeiture incurred, shall be carried on with the same effect as though this act had not been passed. The existing officers of the corporation shall continue to be officers thereof until others are elected in their

places, under this act, and the ordinances, by-laws, institutions, and regulations of said village, consistent with this act, shall continue in full force and be the ordinances and by-laws, institutions and regulations thereof until the same are repealed, or others established in their places, and any reference in such by-laws, rules or ordinances to chapter one hundred and eleven of the laws of eighteen hundred and fifty-one heretofore enacted shall be construed and have full force as references to such chapter before amendment by this act.

§ 45. This act shall take effect immediately.

Chap. 209.

AN ACT to amend chapter five hundred and forty-one of the laws of eighteen hundred and ninety-two, entitled "An act to permit the consolidation of library companies in the city of New York."

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of the act entitled "An act to permit the consolidation of library companies in the city of New York," approved May thirteenth, eighteen hundred and ninety-two, being chapter five hundred and forty-one of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Consolidation
of
library
companies.

§ 1. Any corporation or corporations heretofore or hereafter organized under any general or special law of this State as a library company, or for the purpose of carrying on any library in the city and county of New York may be consolidated with any other corporation or corporations, organized for the same or similar purposes, under any general or special law of this State, into a single corporation in the manner following:

Agreement
of consolidation.

The respective boards of directors or trustees of the said corporations may enter into and make an agreement for the consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of trustees thereof (not less than five nor more than twenty-one), and

the names of the trustees who shall manage the concerns of the new corporation for the first year, and until others shall be elected in their places. If either of the corporations so consolidating shall be a stock company, then the said agreement may either provide that the new corporation shall have no stock, or may prescribe the amount of capital of the new corporation, the number of shares of stock into which the same is to be divided (which capital shall not be larger in amount than the fair aggregate value of the property, franchises and rights of the several corporations thus to be consolidated), and the manner of distributing such capital among such consolidated corporations, or the holders of the stock of the same, with such other particulars as they may deem necessary.

§ 2. Section two of said act is hereby amended so as to read as follows :

§ 2. If any such corporation so consolidating shall have no members or stockholders, other than its directors or trustees, said agreement of its directors or trustees shall be deemed to be the agreement of such corporation. If any such corporation so consolidating shall have members or stockholders other than its directors or trustees, said agreement of its directors or trustees shall not be deemed to be the agreement of such corporation until the same shall have been ratified by a vote of at least two-thirds of the members or two-thirds in interest of the stockholders present and voting in person or by proxy at a meeting of the members or stockholders of such corporation to be called upon a notice of at least thirty days, specifying the time, place and object of such meeting, mailed postpaid to each member or stockholder whose place of residence is known to the secretary and published at least once in each week for four successive weeks in a newspaper published in the city of New York. A sworn copy of the proceedings of any such meeting made by the secretary of the corporation holding the same and attached to said agreement shall be evidence of the holding and of the action of such meeting in the premises. If any stockholder or member shall, at said meeting of the stockholders or members, or within twenty days thereafter, object to the said consolidation and demand payment for his stock or interest in such corporation, such stockholder or member or said new corporation if consolidation take effect at any time thereafter, may apply at any time

Capital
stock.

Ratification
of agree-
ment.

Appraisal
of stock of
objecting
stock-
holders or
members.

within sixty days after such meeting of the stockholders or members to the supreme court at any special term thereof, held in the city and county of New York, upon at least eight days' notice to the new corporation, for the appointment of three persons to appraise the value of his said stock or interest, and said court shall appoint three such appraisers and shall designate the time and place of the first meeting of such appraisers, and give such directions in regard to their proceedings on said appraisement as shall be deemed proper, and shall also direct the manner in which payment for such stock shall be made to such stockholder or member. The court may fill any vacancies in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and they or any two of them, after being duly sworn honestly and faithfully to discharge their duties, shall estimate and certify the value of such stock or interest at the time of such dissent as aforesaid, and deliver one copy of their appraisal to the said new corporation, and another to the said stockholder or member if demanded; the charges and expenses of the appraisers shall be paid by the new corporation. When the new corporation shall have paid the amount of the appraisal as directed by the court, such stockholder or member shall cease to have any interest in the said stock and in the corporate property of the said corporation, and the said stock or interest may be held or disposed of by the said new corporation.

Disposition
of stock or
interest
upon pay-
ment.

§ 3. Section three of said act is hereby amended so as to read as follows:

Merger of
corpora-
tions into
new cor-
poration.

§ 3. Upon the making of the said agreement, as hereinbefore provided, and the filing of duplicates or counterparts thereof, in the office of the clerk of the city and county of New York, and in the office of the secretary of state, and in the case of any corporations having members or stockholders other than their directors or trustees, upon the ratification of said agreement in the manner above provided, and the filing with said agreement of a verified copy of the proceedings of the meetings of the members or stockholders required by the preceding section, then, and immediately thereafter, the said corporations whose boards of directors or trustees shall have united in said agreement shall be merged and consolidated

into the new corporation provided for in the said agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein.

§ 4. Section four of said act is hereby amended so as to read as follows:

§ 4. Upon the consolidation of the said corporations all and singular the rights, privileges, franchises and interests of any kind belonging to and enjoyed by the said several corporations so consolidating, and every species of property, real, personal and mixed, and things in action thereunto belonging, shall be transferred to and vested in and may be held and enjoyed by such new corporation, without any deed or transfer; and such new corporation shall hold and enjoy the same, and all rights of property, privileges, franchises and interests of either of the said several corporations in the same manner and to the same extent as the same were or might have been held and enjoyed by the several corporations so consolidating. Said new corporation shall have power to acquire, hold, possess, enjoy and dispose of all the property, real or personal, of said several corporations so consolidating, and all such additional donations, grants, devises or bequests, subject to all the provisions of law relating to devises or bequests by last will and testament, as may be made in further support of its library, collections and objects, or any of the same; and may make such investments as any of the corporations so consolidating might lawfully make, or as may be authorized by the terms of any such donation, grant, devise or bequest; and any devise or bequest contained in any last will and testament made before or after such consolidation to or for the benefit of any of the corporations so consolidating shall not fail by reason of such consolidation, but the same shall enure to the benefit of the said new corporation; and the title to all real and personal estate, and all rights and privileges acquired and enjoyed by either of the said corporations so consolidating shall not be deemed to revert or to be impaired by such act of consolidation, or anything relating thereto.

Transfer of property, etc., to new corporation.

Real and personal estate new corporation.

Rights and privileges.

§ 5. Section six of said act is hereby amended so as to read as follows:

§ 6. The new corporation organized under this act shall be permitted to maintain and carry on any form of library and to

Powers of new corporation.

promote any of the objects authorized by the charter of either or any of the corporations which have been consolidated.

§ 6. This act shall take effect immediately.

Chap. 210.

AN ACT to authorize the common council of the city of Auburn to borrow money for the reimbursement of the contingent fund of said city, and to provide for its payment by the issue of bonds.

Accepted by the city.

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
bonds.

Section 1. The common council of the city of Auburn are hereby authorized and empowered to borrow, upon the credit of said city, a sum not exceeding five thousand dollars, for such length of time and at such rate of interest, not exceeding five per centum per annum, as said council shall determine, and issue the bonds of the city therefor, under its seal and signed by the mayor and city clerk.

Reimburse-
ment of
fund.

§ 2. The money so borrowed shall be paid to the city treasurer who shall place the same in and to the credit of the the contingent fund to reimburse such fund for moneys taken from it and used to pay contingent expenses of the East Genesee street and East Genesee street and Seward avenue sewers.

Payment of
bonds
issued.

§ 3. The moneys arising from unpaid assessments for said sewers and both of them, to the amount of the bonds so issued and interest thereon, shall, when paid, be placed in said contingent fund, by the city treasurer, and the bonds issued under the provisions of this act shall be paid out of and from the moneys in said contingent fund.

§ 4. This act shall take effect immediately.

Chap. 211.

AN ACT to amend the charter of the city of Ithaca, in relation to acting recorder.

Accepted by the city.

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision eight of section seven of title four of chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Ithaca," as amended by chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows: Charter amended.

8. In case of sickness, absence from the city, disability or inability of the recorder to act, his powers and duties are hereby conferred and imposed on either of the justices of the peace of the city of Ithaca, or other suitable person, who may be designated by the mayor of said city, and it shall be the duty of the mayor of said city each year to designate one of the justices of the peace of said city, or other suitable person, who shall act in such cases instead of the recorder, and who shall in such cases, have power to hold all courts which said recorder may hold in all respects as if held by said recorder, and he shall be designated and known as "acting recorder." He shall file with the clerk of the city of Ithaca a bond, as required by the second paragraph of this section, before entertaining jurisdiction of any action or proceeding by virtue of this act. Acting recorder.

§ 2. This act shall take effect immediately.

Chap. 212.

AN ACT to amend chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-four, entitled "An act to supply the village of Penn Yan with pure and wholesome water, and to provide for the construction and maintenance of a system of sewers in said village."

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Water act amended.

Section 1. Section two of chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-four, entitled "An act to supply the village of Penn Yan with pure and wholesome water, and to provide for the construction and maintenance of a system of sewers in said village," is hereby amended so as to read as follows:

Terms of first commissioners.

§ 2. Within twenty days after the passage of this act, the persons named in the foregoing section shall meet at the office of the trustees of the village of Penn Yan, and shall then and there determine by lot the order in which their respective terms of office shall expire, and the determination so made shall be certified by the clerk of the board of trustees of said village, whose duty it shall be to be present at said meeting. If said commissioners shall neglect or refuse to assemble and determine as aforesaid, the said board of trustees shall, within twenty days thereafter, make such determination. The term of office of the two commissioners first going out of office shall expire on the first day of January, eighteen hundred and ninety-five; that of the second two, on the first day of January, eighteen hundred and ninety-six; that of the third two, on the first day of January, eighteen hundred and ninety-seven.

§ 2. Section three of said act is hereby amended so as to read as follows:

Election and terms of commissioners.

§ 3. At each annual election of the village hereafter held, there shall be elected, as other village officers are elected, two commissioners in the place of the commissioners whose terms of office shall have expired. The term of office of each commis-

sioner elected shall be for a period of three years, and the term of one appointed to fill a vacancy shall be the unexpired term of the person whose place he was appointed to fill. All commissioners shall be electors and taxpayers of said village. No person who holds any other office under the government of said village shall be eligible to hold such office. Each commissioner shall continue in office until his successor shall have been elected and shall have qualified. In the case of vacancy ^{Vacancies.} in office by death, removal, resignation, disqualification, or any other inability to serve, said board of trustees shall fill such vacancy by appointment at a special meeting therefor, to be duly called for that purpose.

§ 3. Section ten of said act is hereby amended so as to read as follows:

§ 10. The said commissioners shall have power, and it shall ^{May bor-} be their duty, to borrow from time to time upon the credit ^{row money.} of the village of Penn Yan, a sum or sums not exceeding in the aggregate, sixty-six thousand dollars, upon such terms of credit, not exceeding thirty years, and at a rate of interest not exceeding five per centum per annum, as shall seem to them for the best interest of said village, and to secure said loan, said com- ^{Issue of} missioners are authorized to make, execute and deliver bonds, ^{bonds.} certificates, or other obligations, which shall be signed by a majority of such commissioners and certified by the secretary, which said bonds, certificates, or obligations, shall be made payable in such respective amounts and at such respective times as such commissioners shall deem best, and the same and interest thereon shall be a valid liability against said village, and the credit of said village is pledged for the payment of the same; and the said moneys so borrowed shall be appropriated by ^{Applica-} said commissioners in supplying said village with water, and ^{tion of pro-} fully completing the work authorized by chapter two hundred and sixty-nine of the laws of eighteen hundred and ninety-four. The said bonds, certificates, or obligations shall not be nego- ^{Sale of} tiated or sold by said commissioners for less than their par value. ^{bonds.}

§ 4. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. The said commissioners and all persons acting under ^{Right to} their authority, shall have the right to use the ground or soil ^{use streets} under any street, highway or road within said village or in the ^{and high-}

Power to contract with or sell rights to parties outside village.

county of Yates, for the purpose of introducing water, or the construction of sewers into and through any and all portions of the village of Penn Yan, on condition that they shall cause the surface of said street, highway or road to be relaid and restored to its usual state, and all damages done thereto to be repaired, and such right shall be continuous for the purpose of repairing or relaying water pipes or sewers upon like conditions. And the said commissioners shall have the further power to contract with or sell to any corporation, stock company, or individual, without the corporate limits of said village, the right to make connection with the distributing pipes of said village, for the purpose of drawing water therefrom, at such prices and on such conditions, as in the judgment of said commissioners shall be for the best interests of said village; but no such right shall be granted or in any way enforced when, in the opinion of said commissioners, by so doing, the supply for the wants or necessities of said village shall thereby be curtailed.

§ 5. Section eighteen of said act is hereby amended so as to read as follows:

Tax for payment of bonds.

§ 18. The said board of trustees shall, whenever necessary, at the same time with the annual assessment of expenses of said village, and in the same manner as other expenses of said village are assessed, levied and collected from the taxable property of said village, cause to be assessed, levied and collected the amount necessary to pay the principal of said bonds, certificate, or obligations, at the time of maturity, which amount when collected shall be paid to said commissioners, and shall be applied by them in the payment of such principal.

§ 6. This act shall take effect immediately.

Chap. 213.

AN ACT to amend chapter one hundred and fifty-one of the laws of eighteen hundred and ninety-one entitled "An act to provide for the construction of certain public buildings in the city of Albany," as amended by chapter eighty-seven of the laws of eighteen hundred and ninety-four.

Accepted by the city.

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and fifty-one of the laws of ^{Act amended,} eighteen hundred and ninety-one, entitled "An act to provide for the construction of certain public buildings in the city of Albany," as amended by chapter eighty-seven of the laws of eighteen hundred and ninety-four, is hereby amended so as to read as follows:

§ 11. "The public buildings commissioners of the city of ^{Completion of repairs and restoration of city building.} Albany," whose appointment is authorized by the first section of the act hereby amended, shall, in addition to the powers conferred in and by the said act, have power and authority to complete the work necessary to be done in the repair, alteration, restoration and complete finishing of the city building, in the said city of Albany, in accordance with the plans, estimates and proposals, made to and by the said public buildings commissioners of the city of Albany, as reported by the said commissioners, to the common council of said city, which work shall include the placing in service of a passenger elevator in said building, together with the doing of all work necessary to final completion of said work, in accordance with said plans, provided that the aggregate expense of the doing of such work complete, shall not exceed the sum of thirteen thousand eight hundred and fifty dollars in addition to the sum already appropriated and now in the hands of the chamberlain. The ^{Money for expenditure.} money required to meet the expenditure authorized by this section shall be taken from any unexpended balance now remaining in the custody of the chamberlain of the city of Albany, to the credit of said commissioners, so far as such balance will pay the same, and such other moneys as shall be necessary for such pur-

Issue of
certificate
of indebted-
ness.

pose shall be paid out of any fund in the custody of said chamberlain not appropriated to any specific use or purpose; and if there shall be no such fund, the remainder of the moneys shall be obtained by the issuance of a certificate of indebtedness to be subscribed by the board of finance of said city, or a majority of the members of such board, which certificate of indebtedness shall bear interest at a rate not exceeding five per centum per annum to be fixed by the said board of finance and which certificate of indebtedness shall be made payable on the first day of February, eighteen hundred and ninety-six, and be negotiated by the board of finance after five days' notice, published in the official newspapers of said city for bids therefor. The amount thereof, with interest, shall be included in the next city tax budget, and be raised by tax in the same manner as other money necessary for the current expenses of the city government.

Tax for
payment
thereof.

§ 2. This act shall take effect immediately.

Chap. 214.

AN ACT to amend chapter one hundred and ninety-five of the laws of eighteen hundred and eighty-four, entitled "An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled 'An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village, and the several acts amendatory thereof.'"

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section fourteen of title three of chapter one hundred and ninety-five of the laws of eighteen hundred and eighty-four, entitled "An act to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled 'An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village, and the several acts amendatory thereof,'" is hereby amended so as to read as follows:

§ 14. The trustees of said village, at the first regular meeting after the passage of this act, and annually thereafter, shall des-

ignate and appoint a police justice. Such police justice shall have, except in case of felonies, in all cases where the alleged crime or misdemeanor has been committed within such village, exclusive jurisdiction, except as hereinafter provided, to issue all warrants, hear and determine all complaints, and to conduct all the examinations and trials in criminal cases that may now by law or hereafter may be had by a justice of the peace, or before a court of special sessions, subject to the power of removal provided for in chapter one of title six, part one, of the code of criminal procedure of this State; and shall have the same power and jurisdiction in all criminal cases, arising within the corporate limits of the said village, which justices of the peace now have by law, or which may hereafter be conferred upon justices of the peace by law, and shall have exclusive jurisdiction in all civil and criminal actions and proceedings, in all cases of the violation of the ordinances of such village. Such police justice shall also have exclusive jurisdiction in all criminal actions or proceedings in regard to any of the offenses specified in section six of title four of this act, and where the offenses are committed at any place within the town of Batavia, of all complaints, trials and other proceedings against vagrants and disorderly persons, and under the act concerning tramps, being chapter four hundred and ninety of the laws of eighteen hundred and eighty-five and the several acts amendatory thereof, and also of all violations of subdivision one of section four hundred and twenty-six of the penal code. Such police justice shall be subject to the same liability, and his judgments and proceedings may be reviewed in the same manner and to the same extent as by law provided in case of justices of the peace or courts of special sessions as the case may be, and jurors shall be selected, drawn and empaneled, and all examinations, trials and other proceedings had before him shall be had in the same manner as in the case of similar proceedings had before a justice of the peace, or in a court of special sessions, as the case may be. It shall be the duty of the several justices of the peace of the town of Batavia, during the sickness, absence from the village or inability to act, or during a vacancy in the office of the said police justice, and until he shall be appointed, to render the same services and perform the same duties, and they shall be entitled to receive the same fees therefor, as though

Police justice, his appointment and jurisdiction.

Judgments and proceedings.

Town justices, when to act, etc.

no police justice had been appointed. All fines or penalties received by such justice of the peace, while acting in the place of the police justice, shall be paid, on the receipt thereof, to the treasurer of said village. It shall not be lawful for said justices of the peace to make any charge against such village or town of Batavia, or the county of Genesee, for services rendered in or respecting criminal cases, nor shall it be their duty to entertain any complaints or informations in any cases where the said police justice has exclusive jurisdiction in trials or examinations, except as hereinbefore stated, during the sickness, absence from the village or inability to act of the said police justice or during a vacancy in said office. In case of the absence from the village, sickness or inability to act of the said police justice for the period of thirty days the said board of trustees may declare the office of police justice vacant and proceed to fill such a vacancy by making a new appointment of police justice. The police justice shall be paid an annual salary for his services to be rendered as aforesaid, to be fixed by the said board of trustees not to exceed the sum of one thousand dollars, which amount shall be assessed, levied and collected in the same manner as other village expenses are assessed, levied and collected and shall be in addition to the amount which the said board of trustees are now authorized to raise for village purposes. The term of office of said police justice shall be for one year next after his appointment and until his successor shall be appointed and qualified. All fees and charges in cases of prosecution, civil and criminal, and all fines and penalties collected, shall be paid by such police justice, at the close of each month, to the treasurer of said village. Such police justice, before entering upon the duties of his office, shall execute a bond, with a penalty to be fixed by the said board of trustees, with good and sufficient sureties to be approved by said trustees conditioned that said police justice shall faithfully and fully perform the duties of his office and account for and pay over to said board of trustees all moneys coming into his hands by virtue of said office. The said trustees shall also appoint a competent person as clerk of said village, to act as prescribed by section eleven of this title. The person receiving the majority of the votes of the whole board of trustees, at the first meeting after the annual election, or at an adjourned meeting, shall be so appointed.

Vacancy in
office.

Annual
salary of
police jus-
tice

Term of
office.

Payment
over of
fines, etc

Official
bond.

Clerk of
village.

§ 2. Title four, section seven of said act is hereby amended so as to read as follows:

§ 7. The trustees of the said village shall have the discretionary power to appoint such policemen as they shall deem necessary and expedient for such village, who shall hold their offices at the discretion of said trustees, but the time for which they shall be appointed shall not extend beyond the time for the holding of the next annual charter election after their appointment. Such policemen shall be inhabitants and electors of the said village and shall be paid an annual salary to be fixed by the said board of trustees not exceeding seven hundred dollars, which amount shall be assessed, levied and collected in the same manner as other village expenses are assessed, levied and collected, and shall be in addition to the amount which the said board of trustees are now authorized to raise for village purposes. Such policemen shall have all the powers and authority that constables of the town of Batavia now have, or hereafter may have, in all criminal matters and proceedings of a criminal nature over which the police justice of said village has jurisdiction. Such policemen shall have power, at any and all times with or without process, to arrest any disorderly person or persons mentioned in the preceding sections, and all persons guilty of violating, in their presence, any village ordinance or by-law the violation of which shall have been made a misdemeanor, and to take them forthwith before the police justice of said village, or in case of vacancy in his office or absence or from the village, or inability to act, before any justice of the peace of the town of Batavia, to be dealt with according to law. In case the said police justice can not be found, or any of the justices of the peace of the said town, as above provided, then the officer arresting any such person may detain him in custody or commit him to the county jail or to the lock-up of the said village for safe keeping until said police justice or one of the said justices of the peace, as above provided, can be found, but not to exceed forty-eight hours, when the officer shall immediately bring him before such police justice, or in the cases aforesaid, before a justice of the peace of the town of Batavia, to be tried in accordance with the statute in such cases made and provided. Said officers or either of

Policemen,
their ap-
pointment
and terms.

Qualifica-
tions and
salary.

Powers and
duties.

Penalty for
assaulting
or resisting
policeman.

Other
duties.

Certain
peace offi-
cers not to
make ar-
rests, etc.

them shall have power to command assistance whenever he shall deem it necessary, and every person or persons who shall assault or resist or enter into any combination with any other person to assault or resist any such policeman while in the act of arresting any such person or persons, shall be liable to such pains, penalties or fines as now are or hereafter may be imposed by law on persons or any person who assaults or resists any sheriff or other officer while in the act of making an arrest or in the execution of any process. The said policemen shall perform such other duties as shall be designated and required by said board of trustees, including the duties of night watchman in said village, and they shall see that the police regulations, by-laws and ordinances of the village are observed and report to the president of said board all violations thereof, and shall serve and execute all warrants, commitments, summons, subpoenas and other process and papers in all civil and criminal actions and proceedings issued by such police justice, or in the cases above provided, by a justice of the peace of the town of Batavia. It shall not be the duty of any peace officer of the town of Batavia, or of the county of Genesee, other than said policemen, to make any arrests in any of the cases in which the said police justice has exclusive jurisdiction, or to serve any papers in any of the proceedings had before the said police justice, and it shall not be lawful for any such peace officer to ask, demand or receive from the village or town of Batavia, or the county of Genesee, any fees or other compensation for making any such arrests or serving any such papers.

§ 3. This act shall take effect immediately.

Chap. 215.

AN ACT for the relief of the city of Gloversville in issuing bonds.

Accepted by the city,

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
certain
bonds legal-
ized.

Section 1. The refunding bonds of the city of Gloversville issued pursuant to the provisions of a resolution of the common council of said city, by virtue of section three of title fourteen of

chapter fifty-five of the laws of eighteen hundred and ninety, entitled "An act to incorporate the city of Gloversville," to the amount of fourteen thousand dollars, being fourteen bonds for one thousand dollars each, bearing date April one, eighteen hundred and ninety-five, and the local improvement bonds of the said city issued pursuant to the provisions of a resolution of the common council of said city, by virtue of said chapter fifty-five of the laws of eighteen hundred and ninety, as amended by chapter four hundred and ninety-nine of the laws of eighteen hundred and ninety-four, to the amount of twenty-eight thousand dollars, being twenty-seven one thousand dollar bonds and ten one hundred dollar bonds, bearing date of February one, eighteen hundred and ninety-five, are, and each and all of said bonds, heretofore described, declared valid, legal and subsisting obligations of said city as fully as if the chamberlain of said city had advertised the same for sale at public auction in each of the official newspapers of said city for at least four consecutive weeks; and the same as if twenty-eight days had elapsed between the day of the first publication of the notice of sale of said bonds, and the day on which said sale of said bonds occurred; and the credit of the said city is pledged to the payment of said bonds, and each and all of said refunding and local improvement bonds, the same as if the provisions of the statute in relation to the issuing, advertising and selling of said bonds had been strictly followed.

§ 2. This act shall take effect immediately.

Chap. 216.

AN ACT authorizing the formation of a corporate body to be known as the sixth and seventh judicial districts of the State of New York Volunteer Fireman's association.

BECAME a law April 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Frank M. Baker, Edward W. Hyatt, Frank A. Cole, Edward J. Jewhurst, Byron S. Townsend, William S. Sherwood, Dudley S. Mersereau, Charles D. Becker, Percy L. Lang, John F. Dowd and James D. Boyle, and their associates are hereby constituted a body corporate to be known as the sixth and seventh

Corporators.

Name and purposes. judicial districts of the State of New York Volunteer Fireman's association, for the purposes of the advancement and protection of the interests of the volunteer firemen of central New York.

Constitution and by-laws. § 2. The said corporation shall have power to make and adopt a constitution and by-laws for the proper government thereof for the admission of members, for the regulation and payment of fees and dues for the management of its funds and property, and from time to time to alter, modify or repeal such constitution and by-laws as it may deem proper.

Real and personal estate. § 3. The said corporation shall have power to purchase, hold and convey any real estate or personal property not exceeding fifty thousand dollars.

Executive committee. § 4. The property and affairs of said corporation shall be under the control of an executive committee and the said corporation shall in and by its constitution prescribe the powers and duties of said committee and of such other officers as may be deemed necessary, and the rules and regulations for their government, election and succession. The persons named in the first section of this act shall constitute the first executive committee and shall continue in office until their successors are duly elected.

General powers. § 5. The said corporation shall possess all the powers of an ordinary corporation subject to the provisions of the general laws.

§ 6. This act shall take effect immediately.

Chap. 225.

AN ACT to authorize the common council of the city of Lockport to submit the question of the advisability of said city owning and operating an electric light plant, and of bonding itself for the purpose of a public market, to a vote of the electors of said city.

Accepted by the city.

BECAME a law April 3, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Submission of questions to electors. Section 1. The common council of the city of Lockport is hereby authorized and empowered to submit to a vote of the qualified electors of said city, at the charter election to be held April ninth eighteen hundred and ninety-five, the question of the expediency and advisability of said city owning and operating an electric-

light plant for the purpose of furnishing said city and the inhabitants thereof with electric light; also, the question of the expediency and advisability of said city bonding itself to the amount of twenty-five thousand dollars for the purpose of establishing a public market.

§ 2. This act shall take effect immediately.

Chap. 226.

AN ACT authorizing the city of Lockport to borrow money for the purposes of its fire department.

Accepted by the city.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Lockport is hereby authorized and empowered to borrow, not to exceed one thousand five hundred dollars, and issue its bonds therefor, payable December first eighteen hundred and ninety-five, for the purpose of meeting the deficiency in the fire fund for the fiscal year, ending October thirty-first eighteen hundred and ninety-five, and to enable said city to properly maintain said department until said date. The sum borrowed by virtue hereof shall be included in the next general tax levy of said city.

Issue of bonds for fire department.

Tax for payment.

§ 2. This act shall take effect immediately.

Chap. 227.

AN ACT legalizing and confirming certain acts of the board of education of Union free school district number six of the town of Ontario, in the county of Wayne, and of the school tax collector in said district.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The action of the board of education of the union free school district number six of the town of Ontario, in the

Acts of board legalized.

Proviso.

county of Wayne, in issuing their school district tax-list and warrant and the several renewals of the same signed by the president and secretary of the said board, pursuant to a resolution adopted at a regular meeting of the said board, is hereby legalized, and all acts of the collector of school taxes under such tax-list and warrant are hereby legalized and confirmed. Provided, however, that nothing herein contained shall affect any action or proceeding now pending.

§ 2. This act shall take effect immediately.

Chap. 228.

AN ACT relating to the moneys received by the town of Hounsfield from the sale of stock in the Carthage, Watertown and Sackett's Harbor Railroad Company.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Road fund
to be set
apart.

Income
thereof,
how ap-
plied.

Other fund

Application
of road
fund and
excess of
funds.

Investment
commis-
sioners.

Section 1. The supervisor of the town of Hounsfield, acting as railroad commissioner for the said town, shall set apart and retain of moneys in his hands as such railroad commissioner, the sum of twenty thousand dollars, which shall be kept invested in good and sufficient securities for a period of twenty years, and the income thereof shall be applied by the said railroad commissioner as directed from time to time by the town board of the said town for the improvement of the highways of the said town. But the said supervisor shall at all times retain in his hands, and so far as possible keep invested in like manner, an amount not less than the principal sum of the outstanding bonded indebtedness of the said town from time to time incurred in the purchase of stock in the said Carthage, Watertown and Sackett's Harbor Railroad Company. The road fund at the expiration of twenty years from the passage of this act, and other moneys in excess of the two funds aforesaid, as they accumulate from time to time, shall be devoted to such town purposes as a majority of the taxpayers of the said town voting, shall at annual town meeting direct.

§ 2. The town board of the said town shall appoint two resident taxpayers of the said town as commissioners to supervise

the investment of moneys by said supervisor, who shall hold office for two years, or until their successors are appointed, and shall have such compensation for services rendered as the commissioner of highways of the said town, and no loan shall be made by him except with the approval in writing of at least one Approval of loans. of the said commissioners, and of the justice of the supreme court residing in Jefferson county, or if no such judge resides in said county or is incapacitated, then to be approved by the county judge of said county; all loans shall be limited to the same Investments. classes of securities, and subject to the same limitations and conditions as to valuation of property, as now or as may hereafter be provided as to loans by savings banks.

§ 3. All acts or parts of acts which are inconsistent with the Repeal. provisions of this act are hereby repealed, but this act shall not be construed to modify in any way the liability of the said supervisor for the funds which come to his hand as such railroad com- Provide as to liability of supervisor. missioner, or the security which he shall give therefor to the said town.

§ 4. This act shall take effect immediately.

Chap. 229.

AN ACT to further amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city."

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision seven of section twenty-three of chap- Charter amended. ter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city," as amended by chapter five hundred and thirty-one of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows:

7. To provide generally for the welfare of the city to enter Contracts. into contracts for services or supplies and order the payment

Temporary
loans and
issue of
bonds
therefor.

Local im-
provement
or revenue
bonds.

New bonds
for retire-
ing bonded
indebted-
ness.

of the same; to borrow money or make temporary loans in anticipation of the general tax levy or the collection of taxes levied; to borrow money or make temporary loans from time to time as may be necessary to make partial payments or advances to contractors on contracts for local improvements and the final payment thereon, in anticipation of the levying, collection or payment of the local assessments made for, or the sale of the bonds issued on account of the local improvements covered by said contracts; to issue either registered or coupon bonds to raise the money authorized to be borrowed by this subdivision and fix the terms of payment and rate of interest thereon; to issue local improvement or revenue bonds to pay up and retire the notes or certificates of indebtedness of said city issued to raise money to make advances, or payments to contractors on contracts for local improvements in anticipation of the levying, collection or payment of local assessments made for or the sale of bonds issued on account of the local improvements covered by such contracts, fix the terms of payment and rate of interest thereon, not exceeding five per centum per annum, such bonds to be paid from the proceeds of the assessments made for such improvements, and such part of such proceeds as may be necessary to be applied to the payment and redemption of such bonds; and if, upon the maturity of such bonds, the amount realized from such assessments, over and above the amount applied to the payment of like bonds previously falling due shall be insufficient to pay up and retire such bonds so falling due, the same, or such part thereof as such proceeds shall be insufficient to meet, may be refunded pursuant to the provisions of this section and the proceeds of such uncollected assessments thereafter realized shall be applied to the payment and redemption of said refunding bonds; to issue registered or coupon bonds to raise money to pay up and retire the bonded indebtedness of the city or any part thereof, then, or thereafter to become due, including interest due or unpaid, and fix the terms of payment and the rate of interest thereon not exceeding four per centum per annum. Where such bonded indebtedness shall become due within two years from the issue of such new bonds, such new bonds may be issued and sold to provide the money in advance to pay for such existing bonds when they shall become due. Such new bonds shall contain

a recital that they are issued pursuant to this subdivision, which recital shall be conclusive evidence of their validity, and of the regularity of the issue. Such new bonds shall be valid and binding on the city, and until payable, shall be exempt from taxation for town, county, municipal or State purposes. All bonds and coupons retired or paid pursuant to this subdivision shall be immediately canceled; to issue either registered or coupon bonds under any law heretofore or hereafter enacted authorizing the issue of bonds by said city, and shall, at the request of the holder of any coupon bonds whether heretofore or hereafter issued, cause to be issued and delivered to the said holder on the delivery and surrender to the city thereof, registered bonds of equal amount. Such bonds shall be divided into and issued in such amounts as the said holder shall desire, provided that the city shall not be required to issue any bond for a less sum than one thousand dollars; and provided further that the bonds so issued shall be payable upon the same terms and at the same time as the bonds for which they are exchanged. The city treasurer shall keep a record of all bonds surrendered for exchange and by whom surrendered; and of all bonds issued in exchange therefor and to whom issued, containing the dates, numbers, and the amounts of said bonds, and a reference to the laws or resolutions under which they are issued. Whenever the common council shall cause bonds to be issued for the purpose of raising money the city treasurer shall publish a notice in five successive numbers of each of the official papers, Sundays excepted, stating the amount of bonds to be issued, their rate of interest, and the time of their payment; and that sealed proposals will be received by him until the date specified in the notice, and not less than ten days from the first publication thereof, for all or any portion of the bonds issued. Each proposal shall state the amount of the bonds desired, and the price of each one hundred dollars thereof. On the day specified in the notice the city treasurer shall publicly open the proposals, and the bonds shall be sold to the person or persons whose bids are most favorable to the city; but no bonds shall be sold at less than their par value. The city treasurer may reject any and all bids received. Nothing in this subdivision contained shall be construed to prevent the common council from awarding any bonds at their par value to the city treasurer in trust for any

Exchange
of coupon
bonds for
registered
bonds.

Record of
bonds.

Sale of
bonds.

Proviso as
to awarding
bonds for
raising
funds.

redemption or sinking fund of the city, and as an investment of said redemption, or sinking fund, without advertising.

§ 2. Section one hundred and forty-two of said chapter twenty-six, as amended by chapter three hundred and seventy-six of the laws of eighteen hundred and ninety-one, is hereby further amended so as to read as follows:

Certificate
of cost of
improvements.

§ 142. Upon the completion of any local improvement the commissioner of public works shall certify the fact to the common council, and the total cost thereof, including the cost of inspection and all other expenses incidental to such improvement.

Issue of
local improvement
bonds.

Whenever such total cost shall exceed the sum of one thousand dollars the common council may, in its discretion, direct the issue of local improvement bonds in amount not exceeding in the aggregate four-fifths of such total cost; such bonds may be issued at such times in such denominations upon such terms, and at such rate of interest as may be fixed by the common council, not exceeding five per centum per annum, one-fourth of which shall mature in one year, one-fourth in two years, one-fourth in three years, one-fourth in four years from the date of issue, provided that the amount issued at any one time shall not exceed in the aggregate the sum remaining unpaid, as shall be certified by the city treasurer at the expiration of the sixty days mentioned in section one hundred and forty-five of said chapter, of the cost of all local improvements, with reference to which local improvement bonds shall have been theretofore authorized by the common council, but not issued. Such bonds shall be executed by the mayor and city clerk under the corporate seal of said city, and shall be issued at not less than the par value thereof. In case the amount of bonds issued at any one time shall for any reason not equal the aggregate amount for which bonds may be issued, pursuant to the provisions of this section, the balance of said aggregate sum, over and above the amount of the bonds so issued, may be added to and go to make up the aggregate sum for which local improvement bonds may be issued pursuant to any subsequent resolution of the common council. The proceeds of the sales of such bonds shall be applied first, to pay up and retire the notes or other evidences of indebtedness that may have been issued to raise money, to make advances or payments to contractors on contracts for such improvements, in

Proceeds of
sale, how
applied.

anticipation of the levying, collection or payment of the assessments made therefor, or in anticipation of the issuing of said bonds; and second, toward the payment of the cost of such improvements. Such part of the proceeds of the assessment, ^{Redemption of bonds.} hereinafter provided for such improvement, as shall be necessary shall be applied in payment and redemption of the bonds hereby authorized with interest thereon as provided therein, as the same shall become due and payable. The surplus, if any, shall be credited to the contingent fund. Upon the receipt of the certificate of the commissioner of public works above ^{Assessment of cost of improvements.} referred to, the common council shall direct the total cost of such improvement to be assessed by the assessors of the city, and it shall be their duty immediately to assess the sum upon the property fronting upon the street or part of a street in or upon which the improvement has been made in an equitable manner as near as may be in proportion to the benefits which each owner of such property may be deemed to derive therefrom without reference to erections or improvements thereon; except that, in case said improvement shall be a sewer of a larger diameter than two feet, the cost thereof shall be assessed pursuant to the provisions of section one hundred and fifty of this chapter. Provided, however, that the common council may, ^{Advances to contractor.} during the progress of the work upon any local improvement, upon the certificate of the commissioner of public works that a portion thereof has been completed in accordance with the terms of the contract therefor, estimating the value of the part so performed at the contract price therefor, advance to the contractor upon the contract price, a sum not exceeding seventy-five per centum of the estimate so given. Such advance payment shall be refunded out of the proceeds of the assessments for such work, or of bonds issued on account thereof.

§ 3. Section one hundred and fifty of said chapter twenty-six, as amended by chapter three hundred and forty-seven of the laws of eighteen hundred and eighty-five, is hereby further amended so as to read as follows:

§ 150. The cost of constructing any sewer shall be assessed and collected the same as other local improvements, except ^{Assessment of cost of sewers.} that whenever the common council shall order any sewer to be constructed of a size greater than two feet in diameter, they shall cause the estimated expense of a two-foot sewer of the

Certificate
of city en-
gineer.

same kind on the same line to be assessed upon the property fronting upon the line thereof; and the excess over and above such sum shall be assessed upon and collected from the property deemed to be benefited by such sewer whether upon the line thereof or not, including the property along the line of said sewer upon which the cost of a two-foot sewer shall be assessed pursuant to this section. It shall be the duty of the city engineer to furnish the common council with a certificate of the whole expense of such work with an estimate of what, in his opinion, would be the expense of constructing a two-foot sewer of the same kind.

§ 4. This act shall take effect immediately.

Chap. 233.

AN ACT to amend section eighty-five of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," in relation to the disposition by the police magistrates of charges for violating city ordinances.

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation
act
amended.

Section 1. Section eighty-five of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act, and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows:

Ordi-
nances,
resolutions,
etc.

§ 85. The common council shall have power to make, continue, modify, and repeal such ordinances, regulations and resolutions as may be necessary to carry into effect any and all of the powers vested in or conferred upon the corporation, and to provide by ordinance whatever provisions or regulations, other than those herein specially authorized, may become requisite for the fuller organization, perfecting, and carrying out the powers and duties prescribed to any department. The common council shall have the power to enforce obedience to such ordinances, and obser-

Pena-
lities
for viola-
tions.

vance thereof, by ordinary *penalties for each and every violation thereof, in such sums as it may deem expedient, not exceeding one hundred dollars, and may direct that such part of any penalty as it shall think proper shall be paid and applied to the use of the person or persons who shall afford such information as to enable the offender or offenders to be prosecuted to conviction. All persons offending against any ordinance passed by the common council shall be deemed guilty of misdemeanor, and be punished, on conviction, by a fine, or in default of payment of such fine, by imprisonment, not exceeding ten days. All ordinances shall continue in force until repealed. In all cases of arrest for offending any ordinance of the city of New York, the police justices shall have power to impose a fine not exceeding the penalty fixed by the ordinance, and if no penalty is prescribed, by a fine not exceeding ten dollars; and in default of paying any fine thus imposed, the party fined may be committed to the city prison, not exceeding ten days, each day of imprisonment to be taken as a liquidation of one dollar of the fine. Within three days thereafter, the defendant may appeal to the court of special sessions, by serving upon the police' clerk, a notice in writing, which shall be deemed sufficient, if it clearly indicates the intention to appeal. Thereafter the case shall be regarded and disposed of in all respects as if the defendant had been held to answer in the court of special sessions, both by the police clerk in transmitting the record, and by the court of special sessions in the trial thereof. If the fine imposed by the police justices shall have been paid, the record returned by the clerk shall so state. The court of special sessions may remit, reduce or increase the fine imposed by the police justice, and if remitted or reduced, the police clerk shall return to the defendant the whole amount, if remitted, and if reduced, the amount of such reduction, upon the presentation of a certificate of the clerk of the court of special sessions, showing the final disposition of the case.

Disposition
of charges
by police
justices.Appeals by
defendant.Remission,
etc., of
fines.

§ 2. This act shall take effect immediately.

* So in the original.

Chap. 234.

AN ACT to amend chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-five, entitled "An act to incorporate the city of Amsterdam," and the acts amendatory thereof.

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Charter
Amended.**

Section 1. Section two of chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-five, as amended by chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-eight, is amended so as to read as follows:

§ 2. The city shall be divided into seven wards, as follows:

First ward.

First ward.—All that part of said city lying east of the sixth ward and west of the line running northerly from the Mohawk river through the center of Wall street to Academy street; thence through the center of Academy street to Chestnut street; thence through the center of Chestnut street to Market street; thence through the center of Market street to Van Dyke avenue, and the easterly line of the sixth ward, shall be known as ward number one.

**Second
Ward.**

Second ward.—All that part of said city lying east of ward number one, and west of a line running northerly through the center of Chuctanunda creek to Prospect street; thence westerly through the center of Prospect street to Market street; thence northerly through the center of Market street to the intersection of Market and Chestnut streets, shall be known as ward number two.

Third ward.

Third ward.—All that part of said city lying easterly of ward number two and southerly of ward number seven and westerly of a line commencing in the center of Chuctanunda creek at a point opposite the center of Reid street, and running thence southerly through the center of Reid street, the center of the roadway connecting Reid street and Pulling street, the center of Pulling street and Schuyler street to the center of the Mohawk river, shall be known as ward number three.

Fourth ward.—All that part of said city lying easterly of ward ^{Fourth ward.} number three, and the center of Chuctanunda creek above a point opposite the center of Reid street, shall be known as ward number four.

Fifth ward.—All that part of said city lying southerly of the ^{Fifth ward.} center of the Mohawk river, shall be known as ward number five.

Sixth ward.—All that part of said city lying westerly of a ^{Sixth ward.} line commencing in the center of the Mohawk river at a point opposite the center of Guy street, and running thence northerly through the center of Guy street to Spring street; thence easterly through the center of Spring street to McDonnell street; thence northerly through the center of McDonnell street to Union street; thence easterly through the center of Union street to Glen avenue; thence northerly through the center of Glen avenue to Van Dyke avenue; thence easterly through the center of Van Dyke avenue to Market street; thence through the center of Market street to the city line, shall be known as ward number six.

Seventh ward.—All that part of said city lying easterly of the ^{Seventh ward.} center of Market street and northerly of the center of Prospect street and westerly of the center of Chuctanunda creek, shall be known as ward number seven.

§ 2. Section twelve of said act is amended so as to read as follows:

§ 12. The mayor shall hold his office for one year, and ^{Terms of mayor and aldermen.} aldermen shall hold their offices for two years. At the first election after the creation of any new ward or wards in said city, two ^{Election of aldermen.} aldermen from each of said wards shall be elected, one of whom shall, when nominated, be designated to hold office for one year only and the other of whom shall be designated to hold office for two years. At each annual election thereafter, one alderman shall be elected for each ward and shall hold office for two years. No salary or compensation shall be allowed or paid to the mayor or any alderman for services rendered, in the discharge of the duties of their respective offices, pursuant to the provisions of this act. All ward officers elected and now holding office in said city shall continue to hold the offices to which they were elected for the balance of their term within and for the ward in which they shall respectively reside at the time of the passage of this act, provided they shall qualify according ^{No salary for mayor or aldermen.} ^{Terms of present ward officers.}

Appoint-
ment of
supervisors
and alder-
men.

to law. The common council shall, within twenty days after the passage of this act, appoint a supervisor for the first ward as herein constituted, and a supervisor for the second ward, as herein constituted, who shall hold their office until the next annual election, when a supervisor for the full term shall be elected in each of said wards. The common council shall also, within the said twenty days, appoint one alderman in the second, two aldermen in the sixth, and one alderman for the seventh ward, as herein constituted, who shall hold their offices until the next annual election, when aldermen for the proper terms shall be elected.

§ 3. Section thirty-six of said act is amended so as to read as follows:

Super-
visors.

§ 36. The said city shall be entitled to and have seven supervisors. Each of the seven wards of said city shall be regarded as a town under the first article of the fourth title of the eleventh chapter of the first part of the revised statutes, and each of said wards shall elect one supervisor biennially to hold office for two years. The said supervisors shall have the same powers and duties as supervisors in any town in the county of Montgomery, except as otherwise provided by this act; and shall be members of the board of supervisors of the county of Montgomery. The supervisors shall receive the same compensation allowed by law, in the same manner as other supervisors of towns. The powers and duties of supervisors of towns relating to schools and public instruction shall, in said city, devolve upon the mayor, who shall give such bonds as are required by law to be given by a supervisor in the discharge of such duties.

Powers and
duties of
mayor as
to schools,
&c.

§ 4. This act shall take effect immediately,

Chap. 235.

AN ACT to provide for enlarging the building situated in Central park, in the city of New York, and occupied by the American Museum of Natural History, for the purpose of furnishing proper facilities for increased exhibition.

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The department of public parks in the city of New York, with the concurrence of the board of estimate and apportionment, is hereby authorized to erect and equip an addition to the building situated in that part of Central park formerly known as Manhattan square, and which is now in the possession and occupation of the American Museum of Natural History, under and in accordance with a contract made in pursuance of chapter one hundred and thirty-nine of the laws of eighteen hundred and seventy-six, chapter two hundred and seventy of the laws of eighteen hundred and ninety-two, and chapter thirty-one of the laws of eighteen hundred and ninety-three. Said addition shall include in its halls for public exhibition suitable space for the proper display of the specimens of the museum. The trustees of said museum shall select the architects to prepare under their direction the plans, and to superintend under the direction of the commissioners of parks the construction of said addition. Said plans, when completed, shall be submitted by said trustees to the commissioners of said department for their approval, and may include any alteration of the present building made necessary by the enlargement, and such improvements and repairs to it as the commissioners of said department and the trustees of said museum may agree are proper and necessary. The commissioners of said department shall provide for the compensation of the architects out of the fund hereby provided for the erection of said addition. Said equipment shall include all the cases and fittings required for the preparation, exhibition and preservation of the specimens, books and other property of the museum.

Enlargement of building authorized.

Addition, what to include.

Architects and plans.

Equipment of building.

Issue of
bonds or
stock.

§ 2. For the purpose of providing means for carrying into effect the provisions of this act, it shall be the duty of the comptroller, upon being thereunto authorized by the board of estimate and apportionment, to issue and sell, but not at less than their par value, bonds or stock of the mayor, aldermen and commonalty of the city of New York, in the manner now provided by law, payable from taxation, but not exceeding in the aggregate the sum of five hundred thousand dollars, bearing interest at a rate not exceeding four per centum per annum and redeemable within a period of time not exceeding thirty years from the date of their issue.

Repeal.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 236.

AN ACT to authorize further appropriations for the maintenance of the American museum of natural history in the city of New York.

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Appropriations
for
museum.

Section 1. The board of estimate and apportionment, upon the requisition of the department of public parks, is hereby authorized to include annually in its final estimate of the amounts required to pay the expense of conducting the public business of the city of New York, in addition to the sum or sums now provided by law for the maintenance of the American museum of natural history, a further sum not exceeding twenty thousand dollars for the preparation, exhibition and preservation of the specimens, books and other property of said museum, upon the condition that the collections in the exhibition halls of said American museum of natural history shall be kept open and accessible to the public hereafter free of charge throughout the year for five days in each week, one

Conditions.

of which shall be Sunday afternoon, and also two evenings of each week, subject to such rules and regulations as may be determined upon by the said trustees of said museum.

§ 2. This act shall take effect immediately.

Chap. 237.

AN ACT in relation to the commitment and discharge of persons convicted of public intoxication, disorderly conduct or vagrancy in the city and county of New York.

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever any person is convicted in the city and county of New York, of public intoxication, disorderly conduct or vagrancy, it shall be the duty of the court or magistrate before whom such conviction is had to commit the person so convicted to the workhouse in said city and county, and to insert in the warrant of commitment a recital that the person so committed is committed pursuant to the provisions of this act, and a direction that the person so committed shall be detained in such workhouse, until discharged, pursuant to the provisions of this act, and for a term not exceeding six months from the date of such commitment.

Commitments to workhouse.

Warrant of commitment.

§ 2. It shall be the duty of the superintendent of the workhouse to ascertain from the records thereof, and from an examination and inspection of the person committed as aforesaid, whether such person has, since the passage of this act, and within two years next preceding the date of his commitment, been previously committed to such institution upon conviction of public intoxication, disorderly conduct, or vagrancy; and, within twenty-four hours after the commitment of any such person to the workhouse, to transmit to the commissioners of public charities and correction, a written statement showing the name, sex, age, residence, occupation, height, weight and the color of the hair of any such person, and describing any scars, marks or deformities or other signs whereby such person may subsequently be identified, the date of the commitment, the offense for which such person

Duty of superintendent of workhouse.

Statement to commissioners of charities.

was committed and the name of the magistrate by whom the commitment was made; and also stating whether such person has been previously committed to such institution within the period, and for any one of the causes above specified; and, if so, the number of times that such person has been so committed during such period, the date of the last previous commitment of such person for either of said offenses, the name of the magistrate by whom, and the offense for which such last previous commitment was made, and the period of detention under such last previous commitment.

Record of
commit-
ments, etc.,
by commis-
sioners of
charities.

§ 3. It shall be the duty of the commissioners of public charities and correction to keep a book or books in which shall be properly recorded the names of all persons committed pursuant to this act, and all other facts which shall be certified to them by the superintendent of the workhouse as herein required, which book or books are hereby declared to be public records and shall be open to public inspection and shall be so indexed and kept as to show whether any person committed, as prescribed by this act, has been previously committed within two years next preceding such commitment for any of the causes herein specified.

Duty of
commis-
sioners
after com-
mitment of
persons.

§ 4. Within three days after the commitment of any person as herein provided, it shall be the duty of the commissioners of public charities and correction to ascertain from the aforesaid records whether such person has been committed to the workhouse, after the passage of this act and within two years next preceding the date of such commitment for public intoxication, disorderly conduct or vagrancy, and to make a written order specifying the date at which such person shall be discharged, as follows, namely, in the case of a person who has not previously been committed for any one of the offenses herein specified within two years next preceding the date of his last commitment, and after the passage of this act, the said order shall direct that such person shall be discharged at the expiration of five days from the date of his commitment in the case of a person who has been committed once before within the period of two years next preceding the date of his commitment and after the passage of this act for any of the offenses herein specified, the said order shall direct that such person shall be discharged at the expiration of twenty days from the date of his commitment, and in the case of a person who has

Orders for
discharge
of persons.

been committed more than once during the two years next preceding the date of his commitment and after the passage of this act for any of the offenses herein specified, the said order shall direct that such person be discharged at the expiration of a period equal to twice the term of his detention under the last previous commitment, but not, in any event, exceeding six months; provided, however, that in the case of a person committed upon conviction of vagrancy, the said order may direct that the said person shall be discharged at the expiration of a period to be fixed by the commissioners and stated therein, not exceeding six months and not less than the period of detention above specified for first or subsequent commitments, as the case may be. The date of any order made pursuant to this section and the name of the person whose period of detention is fixed thereby, and the period of detention therein specified and the names of the commissioners of public charities and correction present at the meeting of such commissioners at which such order was made, shall be entered in the records required to be kept by the third section of this act, and the said order shall forthwith be transmitted to the superintendent of the workhouse; and upon the expiration of the term of detention specified therein, and the discharge of the person named therein, it shall be the duty of such superintendent forthwith to return such order, with a written certificate indorsed thereon specifying the date of the discharge of the person named therein, to the commissioners of public charities and correction who shall preserve the same as a public record. The powers and discretion conferred upon the commissioners of public charities and correction by this section may be exercised by such commissioner or commissioners as shall be present at any meeting of such commissioners.

Record of orders, etc.

Return of orders upon discharges.

Exercise of powers conferred.

§ 5. Nothing herein contained shall affect the power of any court or magistrate to release a person convicted of any offense herein specified upon the payment of a fine or upon the execution of a recognizance or bond, as now prescribed by law.

Proviso as to release of persons.

§ 6. The board of commissioners of public charities and correction may transfer and commit and cause to be transferred and committed from the said workhouse to the city prison, penitentiary, almshouse or to any other of the institutions under

Transfer of persons to other institutions.

their jurisdiction, any person committed to the said workhouse under this act, whenever such transfer shall be necessary for the proper care and management of such city prison, penitentiary or almshouse, or for the proper employment of such person; and the said board may also transfer and commit and cause to be transferred and committed from the said workhouse to the city prison or penitentiary, any person committed to the said workhouse under this act, whenever, by reason of the number of offenders actually detained in such workhouse at any one time, there shall not be accommodation therein for all the persons committed thereto.

Repeal. § 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 8. This act shall take effect immediately.

Chap. 238.

AN ACT authorizing an additional justice of the peace in the town of Onondaga, in the county of Onondaga.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Additional
justice to
be chosen
by town
board.

Section 1. In addition to the justices of the peace in the town of Onondaga, now provided by law, there shall be chosen by the town board of the town of Onondaga, at a meeting of said board to be called for that purpose within sixty days after the passage of this act, an additional justice of the peace, who shall reside in, and keep his office in the village of Elmwood in said town, who shall qualify and enter upon the duties of his office on the first day of July, eighteen hundred and ninety-five, and his term of office shall expire on the last day of December, eighteen hundred and ninety-six. In case a vacancy shall occur in said office, by death or otherwise, prior to said last named date, the town board or said town is authorized to fill the vacancy in the same manner as vacancies in town offices are now provided to be filled by law.

Vacancy in
office.

Election of
additional
justice.

§ 2. At the town meeting to be held in said town of Onondaga in the year eighteen hundred and ninety-six, in addition to the election of a justice of the peace as now provided by law, and at

every fourth annual town meeting thereafter, there shall be elected an additional justice of the peace to reside and keep his office in the village of Elmwood in said town, and the term of office for each such additional justice shall begin on the first day of January next after his election and expire on the last day of December of the fourth year of his term of office. All persons chosen or elected pursuant to the provisions of this act shall possess all the powers and perform all the duties of, and be subject to all the requirements of, the laws now applicable to justices of the peace of said town.

§ 3. This act shall take effect immediately.

Chap. 242.

AN ACT to regulate the performance of highway labor by the Thousand Island Park Association, in the town of Orleans, Jefferson county, New York.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Thousand Island Park Association, a corporation organized and incorporated under the laws of the state of New York, and now owning and engaged in conducting the Thousand Island park, a place of summer residence and resort on Wellesley island, one of the Thousand islands in the Saint Lawrence river, in the town of Orleans and county of Jefferson, is hereby authorized to perform or work out the highway labor assessed or apportioned upon the property of said association in said town of Orleans, Jefferson county, in the improvement and repair of the roads, streets or avenues within the limits of said Thousand Island park, open and used for general travel; and no further or other highway labor or commutation money in lieu thereof shall be assessed or apportioned upon the property of said association in said town of Orleans, or required to be performed or paid by said association in said town.

§ 2. The highway labor assessed or apportioned upon the property of said Thousand Island Park Association in said town of Orleans, shall be performed or worked out as in this act provided on or before October first of each year, under the direction of

Report to
commissioners of
highways.

the superintendent of said Thousand Island park, or such other person as said Thousand Island Park Association shall from time to time designate in writing for that purpose. On or before October first of each year said superintendent, or other person so designated to direct the performance of said highway labor, shall render to the commissioner of highway of said town of Orleans, a written verified report showing the number of days labor performed by said Thousand Island Park Association upon the roads, streets and avenues of said Thousand Island park, specifying therein the particular road, street or avenue upon which such labor has been performed.

Failure to
work out
highway
labor.

§ 3. In case of the failure of said Thousand Island Park Association to perform or work out the highway labor assessed or apportioned upon its property in said town of Orleans, as in this act provided, or any part thereof, all the provisions of law with reference to the payment of commutation money and the enforcement of penalties for the non-payment of such money, shall apply to and may be enforced against said Thousand Island Park Association the same as if this act had not been passed.

Chap. 243.

AN ACT to provide for the compensation of commissioners appointed pursuant to section two hundred and twenty-nine (c) of chapter ten of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon."

Accepted by the city.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Compensation of
commissioners.

Section 1. Each commissioner designated or appointed pursuant to the provisions of section two hundred and twenty-nine (c) of chapter ten of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Mount Vernon,'" shall be entitled to demand and receive as compensation for services so rendered, the

sum of two hundred and fifty dollars, and for the purpose of providing funds with which to make such payments the board of education of the city of Mount Vernon, as at present constituted, shall insert in the school budget to be made next ensuing after the passage of this act the sum of eight hundred and fifty dollars. The board of education of school district number one of the town of Eastchester, as at present constituted, shall insert in their budget, to be made next ensuing after the passage of this act, the sum of one hundred dollars. The board of education of school district number two of the town of Eastchester, as at present constituted, shall insert in their budget, to be made next ensuing after the passage of this act, the sum of one hundred and fifty dollars. The board of education of school district number four of the town of Eastchester, as at present constituted, shall insert in their budget, to be made next ensuing after the passage of this act, the sum of one hundred and fifty dollars, and the said various boards of education herein named, shall pay said respective sums of money when the same shall have been levied and collected as required by law over to the treasurer of the city of Mount Vernon, who shall pay the same, when received by him, over to said commissioners as and for their compensation as provided in this act.

Taxes
therefor.

Payment
over of
taxes to
city treasurer.

§ 2. This act shall take effect immediately.

Chap. 244.

AN ACT to legalize and confirm the official acts of Nellie C. A. Gulick, a notary public in and for Yates county, appointed under the name of Nellie C. Agan.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of Nellie C. A. Gulick, duly commissioned as a notary public in and for the county of Yates, under the name of Nellie C. Agan, performed in good faith since her marriage on the tenth of October, eighteen hundred and ninety-four, under the name of Nellie C. A. Gulick, are hereby legalized and confirmed with the same force and effect

Official acts
legalized.

as if such acts had been performed under the name of Nellie C. Agan.

Proviso.

§ 2. Nothing in this act shall affect any legal action instituted and pending by reason of such change of name.

§ 3. This act shall take effect immediately.

Chap. 245.

AN ACT to authorize the issue of a duplicate certificate of Central Park fund stock of the city of New York to the personal representatives of John Walker, deceased.

Accepted by the city.

BECAME a law April 4 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
duplicate
certificate
of stock.

Section 1. The commissioners of the sinking fund of the city of New York are hereby authorized in their discretion to direct the comptroller of the city of New York to issue a duplicate certificate for twenty thousand dollars of five per cent. Central Park fund stock of the city of New York, in the place of certificate number twelve for said amount of said stock, issued April fifteen, eighteen hundred and fifty-six, and payable July one, eighteen hundred and ninety-eight, and standing on the books of the corporation registered in the name of John Walker, to the personal representatives of said John Walker, upon satisfactory evidence being presented to the said commissioners of the sinking fund that the original certificate therefor has been lost and destroyed, and upon the execution and delivery of a bond of indemnity to the mayor, aldermen and commonalty of the city of New York, with sureties satisfactory to the comptroller of said city.

Evidence
to be pre-
sented, etc.

§ 2. This act shall take effect immediately.

Chap. 246.

AN ACT to amend chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation, and all acts amendatory thereto.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of title ten of chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and an act amending the same, passed April twenty-second, eighteen hundred and sixty-seven, and to extend the powers of the corporation, and all acts amendatory thereto, is hereby amended so as to read as follows:

* 2. Whenever a petition for opening, extending or widening any street or avenue in said village, signed by a majority of residents owning land situate on the line of the same shall be presented, the trustees of said village shall cause a notice to be published in the village newspapers that such application has been made, and of the time, which shall not be less than ten days after the first publication of such notice, when they will proceed upon such petition; which notice shall be published at least once in each week for two weeks successively, and unless a remonstrance, signed by a majority of the persons who will be assessed for the expenses thereof, shall be presented to them on or before the day specified in said notice; and if they shall deem the application proper, they may, on the day specified in said notice, or as soon thereafter as may be, by a resolution, decide to allow such improvements to be made. Before giving notice of such application, the trustees shall fix the limit or district of assessment, beyond which the assessment

Charter amended.

Notice of application for improvements.

Decision to allow improvements made.

District of assessment.

Application
for commis-
sioner of
estimate,
etc.

shall not extend, and a description of such limit or district shall be inserted in, and form part of, such notice. If the trustees shall deem it proper to permit such improvement to be made, they shall cause an application to be made to the county court of the county of Richmond, or to the supreme court, at a special term, held in the judicial district in which said county shall then be situated, for the appointment of three persons as commissioners to estimate and assess the expenses of said improvement, and the amount of damages and benefits to be sustained and derived therefrom by the owners of such lands and buildings as may be affected thereby. Notice of such application shall be published in one or more of the village newspapers once in each week for two weeks successively before the day on which the application is to be made, and the said court shall thereupon appoint three persons as such commissioners who shall not be interested in the improvement, and shall be owners of freehold estate in the said village liable to taxation. The said court may also appoint another or others to act in the place of any one or more of said commissioners, who may die, decline serving, remove from the village, be or become interested in the improvement, or from any cause may be disabled from serving without notice upon application of the said trustees.

Appoint-
ment of
commis-
sioners

§ 2. This act shall take effect immediately.

Chap. 247.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof," passed March twenty-sixth, eighteen hundred and sixty-six.

BECAME a law April 4, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs and

the several acts amendatory thereof," is hereby amended so as to read as follows:

§ 2. The said village shall be divided into wards or charter^{Election} election districts as follows: District number one shall include all that part of said village lying west of Broadway and north of Church street and Van Dam street. District number two shall include all that part of said village lying east of Broadway, north of Lake avenue and west of Nelson avenue, North Circular street and Maple avenue. District number three shall include all that part of said village lying south of Church street and Van Dam street, west of Broadway and north of Congress street and Grand avenue. District number four shall include all that part of said village lying south of Lake avenue, east of Broadway and north of Phila street; also all that part of said village lying north of Lake avenue and east of Nelson avenue, North Circular street and Maple avenue. District number five shall include all that part of said village lying south of Congress street and Grand avenue and west of Broadway and north of Ballston avenue. District number six shall include all that part of said village lying south of Phila street, east of Broadway and east and south of Ballston avenue.

§ 2. Section four of said chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof," is hereby amended so as to read as follows:

§ 4. The officers of said corporation shall consist of a presi-^{village off-}dent, thirteen trustees, one clerk, the members of the different^{cers.} municipal boards and commissions, and such other officers as are now prescribed by law.

§ 3. The first election under this act shall be held on the second^{First elec-} Tuesday of April, eighteen hundred and ninety-five, when two^{tion of trus-} trustees shall be elected in each ward or district except the fourth, and three trustees shall be elected in the fourth district, and the trustees so elected and their successors shall constitute the board of trustees of said village. At the first^{Terms of} meeting of the trustees so elected; the trustees in each district^{trustees.} shall be divided by lot into two classes, so that the term of office of one trustee in each district shall expire in one year, and the

Annual
election.

Vacancies.

Terms of
present
trustees.

term of office of the other trustee in each district shall expire in two years, from the first Monday in April after the passage of this act, except in the fourth district; and in the fourth district the trustees shall be so classified that the term of office of one of said trustees shall expire in one year from the first Monday in April after the passage of this act, and the term of office of the two remaining trustees shall expire in two years from said date; and thereafter trustees shall be annually elected on the fourth Tuesday of March in each year to fill the places of those whose terms of office expire, and also to fill any vacancy in the office of trustee occurring by death, resignation or otherwise. Whenever any trustee or other village officer is elected or appointed to fill a vacancy, such election or appointment shall only be for the unexpired time of the person whose vacancy is thus filled. Upon the election of trustees pursuant to this section the terms of office of the present trustees of said village shall cease and determine.

§ 4. Chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof," is further amended by inserting therein in place of section thirteen, which was repealed by chapter two hundred and fourteen of the laws of eighteen hundred and eighty-seven, a section to read as follows:

Village
president,
election and
term of.

§ 13. The board of trustees shall upon the first Monday in May in the year eighteen hundred and ninety-five and upon the first Monday in April, in each odd numbered year thereafter, assemble at the place provided for the meetings of the board of trustees in said village, and shall proceed to elect some suitable person who shall be a resident and taxpayer of said village, to the office of president of the village, and the president so elected shall hold his office for two years and until his successor is duly chosen and qualified; but in case the person so elected shall refuse to serve, and as often as any vacancy in said office occurs, said trustees shall reassemble at such time and place as may be designated by a majority of said trustees for that purpose, and proceed to elect some other person to said office or to fill such vacancy. Upon the election of a president of the village pursuant to this section the terms of office of the present president shall cease and determine.

Term of
present
president.

§ 5. The trustees of the village of Saratoga Springs shall by the vote of a majority of their whole number upon the first Monday of May in the year eighteen hundred and ninety-five, or as soon thereafter as practicable, appoint, with the approval of the president of the village, three fire commissioners for the said village; not more than two of whom shall belong to the same political party; one to hold office for one year, one for two years and one for three years from the first day of May eighteen hundred and ninety-five; and such commissioners and their successors shall possess the powers and authority conferred by law upon the present fire commissioners of said village, and shall be subject to the same provisions of law and perform their duties in the same manner; but the approval of the president of the village shall hereafter be required for the appointment of a fire commissioner for said village. Upon the election of three fire commissioners pursuant to this section the terms of office of the present fire commissioners shall cease and determine.

Fire commissioners,
appointment and
terms of.

Powers and
duties.

Terms of
appoint-
ment and
terms of.

§ 6. The trustees of the village of Saratoga Springs shall by the vote of a majority of their whole number upon the first Monday of May in the year eighteen hundred and ninety-five or as soon thereafter as practicable, appoint, with the approval of the president of the village, five water commissioners for the said village; one to hold office for one year, one for two years, one for three years, one for four years and one for five years from the first day of May eighteen hundred and ninety-five; not more than three of whom shall belong to the same political party; and such commissioners and their successors shall possess the powers and authority conferred by law upon the present water commissioners for said village, and shall be subject to the same provisions of law and perform their duties in the same manner; but the approval of the president of the village shall hereafter be required for the appointment of a water commissioner for said village. Upon the appointment of five water commissioners pursuant to this section the terms of office of the present water commissioners shall cease and determine.

Water commissioners,
appointment and
terms of.

Powers and
duties.

Terms of
appoint-
ment and
terms of.

§ 7. Section twenty-two of chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof," is hereby amended so as to read as follows:

Removal of
officers for
cause.

§ 22. The board of trustees shall have power to remove any officer of their appointment except the president of the village, and they may also remove any member of the board of fire commissioners, or the board of police commissioners, or the board of street commissioners, or the board of water commissioners, upon charges preferred and proven against them after notice of the hearing thereof.

First elec-
tion, no
notice re-
quired, etc

§ 8. No notice of the first election of trustees pursuant to the provisions of this act shall be required to be given in the manner prescribed by section five of said chapter two hundred and twenty of the laws of eighteen hundred and sixty-six. The board

Inspectors
of election.

of street commissioners of the village of Saratoga Springs shall immediately after the passage of this act appoint two inspectors of election of opposite political parties in each of the wards of said village hereby established, who shall possess the same powers and perform the same duties now imposed by law upon the trustees in each of the charter election districts in said village. The said board of street commissioners shall also designate the place at which the first election pursuant to the provisions of this act shall be held in each of the wards or districts hereby established. It shall also be the duty of the said board of street commissioners to provide a suitable number of boxes and booths for voters, printed ballots and all other things necessary for the proper conduct of the first election, held in pursuance to the provisions of this act, in conformity as near as may be with the general laws of the State of New York, regulating the manner of conducting elections.

Polling
places, and
supplies
therefor.

§ 9. This act shall take effect immediately.

Chap. 248.

AN ACT to establish a public driveway on that portion of Washington avenue, in the city of Albany, lying between Quail street on the east, and the east line of the Manning boulevard, intersecting said Washington avenue, on the west.

Accepted by the city.

BECAME a law April 5, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. That portion of Washington avenue, in the city of Albany, lying between Quail street on the east, and the east line of Manning boulevard, intersecting said Washington avenue on the west; a majority of the owners of the property fronting thereon having consented and said consent having been filed with the clerk of the common council of the city of Albany, is hereby placed under the control and charge of the board of commissioners of Washington park of the city of Albany, for the purpose of laying out the same and establishing therein a public driveway, which control and management shall continue until said portion of said Washington avenue shall cease to be used for such public driveway as hereinafter provided.

Portion of avenue placed under control of park commissioners.

§ 2. The said board of commissioners of Washington park of the city of Albany are hereby authorized to receive from time to time such sums of money as may be voluntarily donated by any person or association for the purpose of grading, constructing and maintaining said driveway, and said commissioners shall, as soon as practicable, lay out and expend the money so received in constructing, grading, improving and maintaining said portion of Washington avenue so as to make and keep it suitable and proper for such driveway, but said commissioners shall not lay out or expend for such purpose any money raised by assessment or taxation.

Donations for driveway.

Expenditure of same.

§ 3. The said board of commissioners of Washington park of the city of Albany may make such rules and regulations as it may deem advisable for the use of said driveway and as to the speed of riders and drivers on said driveway, and for the exclusion therefrom of any kind of vehicle, the use of which may injure said driveway or render same unfit or inconvenient for the purpose thereof. No street or other railway shall be laid down on said

Rules and regulations.

Railways.

Use of
driveway
by trucks,
carts, etc.

driveway or any portion thereof. All trucks, carts and vehicles of all kinds for the transportation of merchandise or freight of any description shall be excluded therefrom, except when and while transporting and delivering such merchandise or freight to and for persons dwelling on said avenue, in case of such transportation and delivery it shall be the duty of the driver or drivers to enter and leave said driveway, with said vehicle, at the intersecting street, which is nearest to the point or place of delivery, and to leave said driveway immediately after the delivery of such merchandise or freight. A violation of this section, or of the rules and regulations made by the board of commissioners of Washington park of the city of Albany, relative to the use of said driveway, shall be a misdemeanor.

Penalty for
violations.

Paving and
abandonment
of
driveway.

§ 4. At any time after said driveway shall be used as such for five years, or in case the same shall not be constructed, used and maintained as such driveway; at any time prior to the expiration of said five years, the owners of a majority of the property abutting on same may petition the board of aldermen of the city of Albany to pave said driveway, or to have the same abandoned as such driveway, and if said board shall act favorably upon said petition, and it shall be determined according to law to pave or abandon the same as such driveway, then and from thenceforth the same shall cease to be such driveway, and the management, control and charge thereof shall pass from said board of commissioners of Washington park of the city of Albany to said city of Albany, to be owned, controlled and managed by it the same as before the passage of this act,

§ 5. This act shall take effect immediately.

Chap. 250.

AN ACT to amend chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-five, entitled "An act to incorporate the city of Amsterdam."

Accepted by the city.

BECAME a law April 5, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Title seven of chapter one hundred and thirty-one of the laws of eighteen hundred and eighty-five, entitled "An

act to incorporate the city of Amsterdam," is hereby amended so as to read as follows:

§ 83. All the territory included within the boundaries of the city of Amsterdam shall hereafter constitute a separate school district within this State, and shall be designated as "The school district of the city of Amsterdam." It may bear such other or additional designation as the superintendent of public instruction of this State may by law prescribe. Such district shall be entitled to all the rights, powers, privileges, public moneys and other benefits conferred by law or other State authority upon school districts, and shall be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law applicable to school districts in cities, except as otherwise hereinafter prescribed. School district.

§ 83a. The affairs of said school district of the city of Amsterdam shall be managed by a board composed of one member from each ward of said city, and two members from the city at large, to be elected in the manner in this act provided, which board shall be a body corporate and shall be known and designated as the "Board of education of the city of Amsterdam." John N. Bostwick, of the first ward; James T. Sugden, of the second ward; David S. Dunlap, of the third ward; Thomas G. McCaffrey, of the fourth ward; Cornelius Van Buren, of the fifth ward; Harvey Chalmers, of the sixth ward; W. Barlow Dunlap, of the seventh ward, and George B. Stover and Eleazer E. Rulison, of the city at large, are hereby appointed such board, and the persons hereby appointed and their successors to be elected as hereinafter provided, shall possess all the powers conferred and discharge all the duties imposed by this act or by any general law of this State relating to school districts in cities or relating to the boards of education of such districts, and not inconsistent with the provisions of this act. Board of education.
General powers and duties.

§ 83b. The board of education of the city of Amsterdam shall have the power, subject to the provisions of this act, to purchase, take, lease, hold or improve any real or personal estate in trust for said school district of said city, for the support and maintenance of public schools or for any of the purposes of education in said city. It may also take by gift, grant, bequest or devise and hold any real or personal estate in trust for any of the purposes of education or art, or the purchase, support or maintenance Real and personal estate.

Title of
school
property.

School dis-
tricts dis-
solved and
consoli-
dated.

Separation
of town and
city dis-
tricts.

Organiza-
tion of
board.

Terms of
present
boards and
trustees

of public libraries in said city upon such terms as may be prescribed by the donor or donors and accepted by said board of education, and it may execute any trust for any of the purposes aforesaid and provide for the proper execution thereof. The title of all the schoolhouses, sites, lots, furniture, books, apparatus and other school property heretofore belonging to or in possession of union free school district number eleven of the town of Amsterdam, or union free school district number eight of said town, or union free school district number thirteen of the city of Amsterdam and the town of Florida, or school district number two of the town of Florida, shall be and is hereby vested in the school district of the city of Amsterdam and said school district, and said union free school districts and school district number nine of the town of Amsterdam, being wholly or in part within the boundaries of said city, are each dissolved; and such districts or portions thereof as are within the boundaries of said city are consolidated and constituted as hereinbefore provided into the school district of the city of Amsterdam; and all such parts or portions of said districts as are not within the boundaries of said city, shall continue to remain as independent and separate school districts, as though this act had not been passed, until they may be annexed to such adjoining district in said towns of Florida and Amsterdam as the superintendent of public instruction of this State or the school commissioner of Montgomery county may designate.

§ 83c. On the first Tuesday following the date when this act shall take effect, the members of the board of education hereinbefore mentioned and appointed, shall assemble at the Easterly schoolhouse situate on Spring street in said city, at eight o'clock in the evening of that day, and there organize by the election of one of their number as president, and some suitable person not of their number, but who shall be a resident of said city, as clerk, who shall, by virtue of his office, act as secretary and keep the minutes and accounts of said board; and thereupon and thereafter such members of said board of education and trustees so organized shall be known and designated as and shall become and be and possess all the powers and discharge all the duties of the "Board of education of the city of Amsterdam," as provided by this act; and thereupon the terms of office of all the members of the boards of education of said union free school districts eleven,

eight and thirteen, and the terms of office of all the trustees of said school districts residing in the city of Amsterdam, shall cease and expire, and all real and personal property, rights, powers, privileges and contracts exercised and enjoyed by, as well as all duties, contracts, obligations and liabilities of said boards of education of union free school districts eleven, eight and thirteen, and of said trustees of said school district number two of the town of Florida, are hereby transferred to, vested in and imposed upon said board of education of the city of Amsterdam, constituted and organized as aforesaid; and said board shall be held to have actual possession and be seized of all such property, rights and contracts, in trust for said school district of the city of Amsterdam for school purposes as hereinbefore provided; and the rights and privileges of all persons or parties that may have arisen or accrued under pursuant to or by virtue of any contract, rule, regulation, as well as any liability that may have arisen by reason thereof, shall remain and shall be in force by or against said board of education of the city of Amsterdam and their successors, in the same manner and with like effect as might have been done by or against the trustees or the several boards of education of said union free school districts or their or each of their successors if this act had not been passed.

Transfer of property, duties, etc.

Rights, privileges and liabilities of parties.

§ 83d. Immediately upon the organization of the board of education of the city of Amsterdam, as provided in and by section eighty-three-c of this act, said board shall proceed to the discharge of its appropriate duties. They shall divide themselves into three classes, as nearly equal as may be, and determine by lot who shall belong to each class. Those belonging to the first class shall hold office until the second Tuesday of September, eighteen hundred and ninety-six; those of the second class until the second Tuesday of September, eighteen hundred and ninety-seven, and those of the third class until the second Tuesday of September, eighteen hundred and ninety-eight, and until their successors shall be elected and entered upon the duties of their offices, respectively. It shall provide and appoint a place for its further meetings and adopt such rules and regulations for such meetings, and the dispatch of its business and in the appointment of committees, as it may deem advisable. The first election for members of the board of education of the city

Commencement of duties.

Classification of terms.

Meetings, rules, etc.

First election of members of board.

of Amsterdam, under this act, notice of which shall be given by said board of education of the city of Amsterdam, as hereinafter provided, shall be held on the second Tuesday of September, eighteen hundred and ninety-six, at which school election, there shall be elected three members of said board of education for a term of three years each, said members to be chosen from, and elected in, the several wards of the city of Amsterdam, in which the members of said board of education of the city of Amsterdam reside, whose terms of office expire on the second Tuesday of September, eighteen hundred and ninety-six; the two members of the board of education from the city at large, not to be residents of, nor chosen from the same ward in said city, and to be elected by the city at large as other members of said board of education are elected, as their respective terms of office shall expire. Said board shall also designate at least three polling places in as many separate wards in said city as the polling places for holding said election, and the particular wards for which each polling place shall serve. The notice of said election shall specify the time of holding said election and the location of the several polling places and the wards to which each polling place is assigned. It shall also specify the number of members of said board, with their respective terms of office, whether for a separate ward or the city at large, to be elected thereat. The inspectors of election of the several election districts wherein such polling places are situated, respectively, and who are authorized to hold and conduct elections in said city at the time of holding such school elections in their respective districts, and all the provisions of this act respecting the holding of the annual and school election under this act shall apply to and regulate the manner of holding said first election, and in determining the result thereof, except as otherwise provided by this act.

Polling
places.

Notice of
election.

Conduct of
election.

Annual
school elec-
tion.

§ 83e. The annual election for school officers in said city, after said first election, shall be held on the second Tuesday of September in each succeeding year, and there shall be elected each year at such election, three members of the board of education, of said city (or one-third of the members of said board, as nearly as may be), for a term of three years each, and such other members in the respective wards as may be necessary to fill vacancies, that may have occurred during the preceding year, for

the unexpired term of any member whose office shall become vacant. Public notice of every annual or tax election held ^{Notices of elections.} under this act shall be given by said board of education of the city of Amsterdam, by notice, signed by its president and clerk, which notice shall be published in the official newspapers of said city, at least once in each week for three consecutive weeks immediately preceding such election. The board of edu- ^{Polling places.} cation shall, each year, designate at least three polling places, in as many separate wards, at which such annual election shall be held, and the particular wards for which each polling place shall serve, and the same shall be set forth in said notice, as well as the officers to be elected thereat, together with the terms for which they are to serve, respectively. The clerk of ^{Notice to inspectors.} the board of education shall, each year, and at least ten days before the date of such annual election, notify the inspectors of election of the election districts in which each of said polling places are situated, by notice mailed to each of them in the post-office of said city, of every such election, and the polling places designated by said board. The inspectors in each of ^{Inspectors of election.} said election districts shall preside and conduct said annual election, at the places of their respective districts, designated as aforesaid, and their powers and duties in respect thereto shall be determined and regulated by the provisions relating to the holding of the annual city elections for city officers, except as modified by this act. Said first election, and all sub- ^{Conduct of elections.} sequent elections, shall be opened at each polling place at three o'clock in the afternoon, and shall be kept open without intermission or adjournment until seven o'clock in the afternoon, when the same shall be finally closed, and the inspectors shall forthwith, without intermission or adjournment, canvass all votes cast; declare and make a statement of the result, as required in the general city elections, and shall forthwith file such statements of the result with the clerk of the board of education of said city. Every inhabitant of said city qualified ^{Qualifications of voters.} to vote for school officers, under the general school laws of this State, shall then and there be entitled to vote at such election; but no such inhabitant shall vote at any polling place, except that designated for the ward in which he or she may reside at the time of offering such vote, and shall have resided for at least thirty days immediately prior to such election, and except

at the polling places designated by said board, at which an election shall be held, for the election of a trustee or trustees, by the city at large.

Canvass of votes by board.

§ 83f. On the day following the first school election, and on the day following the regular school elections, to be held under this act, the board of education of said city shall convene at eight o'clock in the evening, at its regular place of meeting, and all the certificates of the votes cast at each of the polling places designated as aforesaid, shall be produced, and said board of education shall forthwith proceed to canvass such certificates,

Certificates of election.

declare the result thereof, and make a certificate in writing of all those who were duly elected at said election, and shall immediately file a duplicate thereof, signed by the president and clerk, in the office of the city clerk. The persons so elected shall thereupon take the constitutional oath of office, and the board of education of the city of Amsterdam, as constituted for the preceding year, shall be dissolved, and the board of education

Oath of office.

Organization of new board.

composed of the persons so declared elected and those whose terms of office shall not have expired shall then be organized by the election of a president from among their number, and of some suitable person not of their number, but who shall be a resident of said city, as clerk of said board, who shall hold office during the pleasure of said board, and whose compensation shall be fixed by such board. The clerk shall keep an accurate record of the proceedings of said board, and shall perform such other duties as the board may prescribe. A majority of the board of trustees of said board of education shall constitute a quorum for the transaction of business. The members of said board shall receive no compensation, directly or indirectly, for their services.

Record of proceedings.

Quorum.

No compensation.

Statements to board of property, &c., of districts.

§ 83g. The trustees of union free school districts numbers eleven, eight and thirteen, and school district number two, shall make out and deliver to the board of education hereby created, at the second meeting, a detailed statement of their several districts, showing all the school property, both real and personal, in their several school districts, and the estimated value thereof, the number of schoolhouses in the districts, the size thereof, the departments into which the schools are divided, the number of volumes in the school library, the number and names of the teachers employed in each, the salaries paid to each, the balance of

money on hand at the time of their report, the amount of money ordered to be raised at the last meeting of the district and the purposes for which it was appropriated, the receipts and expenditures of said trustees since their last annual meeting, the amount of money due and owing to the district, the amount of the indebtedness of the district, and such other facts as they may deem necessary to make a full and complete statement of the condition of the schools in the several districts. Said board of education shall proceed to collect such outstanding accounts, if any, as pertain to schools, or school property within the boundaries of the city of Amsterdam. Said board of education shall proceed to settle and liquidate the debts and liabilities of said districts, using the funds of each district in the payment and discharge of its said debts and liabilities so far as the same may be applicable. In case any surplus shall remain it shall be paid to the treasurer of the city of Amsterdam, and credited to the fund for teachers' wages unless any part of the same was raised for a special purpose, in which case such part so raised shall be credited to its appropriate fund.

Collection of outstanding accounts, and settlement of claims.

Application of surplus.

§ 83h. Subject to the provisions of this act, the board of education of the city of Amsterdam shall have power and it shall be its duty:

Powers of board.

1. To establish and organize in said city such and so many free schools, including a school at said district number two, and night schools, as said board shall deem requisite and expedient, and to change or discontinue the same at its discretion.

Free and night school.

2. To establish and maintain, whenever it shall be deemed expedient so to do, within the limits of the school district hereby created, a high school, to which graduates from the said schools of said district shall be admitted for a course of instruction to be regulated by the board of education.

High school.

3. To organize, establish and maintain school saving banks under the authority of, and in conformity with, any general law of this State in regard to such or similar institutions.

Saving banks.

4. To alter, improve and repair schoolhouses and appurtenances, hire rooms for school purposes as may be deemed advisable, and, when authorized by a vote of the qualified voters of the school district, to sell and dispose of, or purchase, schoolhouses, lots or sites.

School-houses, rooms, etc.

5. To purchase, exchange, improve and repair school apparatus,

Apparatus, books, etc.

books, furniture and appendages, and to defray the necessary expense attending the same.

Insurance. 6. To insure the schoolhouse or houses and their furniture, apparatus and appendages, and the school library, in some company or companies created by or under the laws of this State, and to comply with the conditions of the policy or policies, and raise the sum or sums paid for the premium or premiums by tax in like manner as other moneys are raised for school purposes.

Custody of school property. 7. To have the custody and safe keeping of the school buildings, lots, outhouses, books, furniture and appendages, and to see that the ordinances and by-laws of said city in relation thereto are enforced, and any violation thereof punished.

Superintendent and teachers, employment and removal of 8. To contract with and employ a superintendent of instruction for said city, and fix his compensation; to contract with and employ all necessary teachers for the schools of said city, and at pleasure to remove them or any of them, or the superintendent of instruction, under such rules and regulations as may be established by law, or by the department of public instruction of this State.

Salaries. 9. To pay the salaries of superintendent and teachers out of any moneys appropriated or provided by law for that purpose.

Contingent expenses. 10. To defray the necessary contingent expenses of said board and said district, including the wages of clerk, janitors, truant officers and other assistants and employes, and incidental expenses.

Expenditure of moneys. 11. To expend all moneys raised by virtue of this act, or which may have been previously raised by any of the districts consolidated hereby, for purchasing sites, erecting or enlarging schoolhouses, or for other purposes, in such manner, as may be deemed advisable, but only for the purpose for which the same was raised, and the expenditures herein directed apply only to school property located within the boundaries of the city of Amsterdam, outside of which the board of education hereby created has neither authority nor jurisdiction.

Instruction in physiology, etc. 12. To make provision for the instruction of pupils in physiology and hygiene with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system.

Licensing teachers. 13. To license, upon the recommendation of the superintendent of instruction of said city, subject to the regulations prescribed

by the department of public instruction of this State in relation to the examinations of persons in regard to their qualifications to teach, all teachers employed in the schools of said city. Said license or certificate to be signed by the president and clerk of said board of education.

14. To take and appropriate land and other real property ^{Acquisition of lands.} within said city for the site of the schoolhouse, or for other school purposes, when authorized to do so, upon making compensation therefor, in cases where the owner or owners thereof, or some of them, shall not consent to sell the same for such purposes, or the board of education of the said city cannot agree with such owner or owners, or some of them, upon the price or value thereof, as real property for public use, is taken under and pursuant to the laws of this State. The board of education of said city are hereby authorized and empowered to institute, ^{Proceedings therefor.} carry on and complete the proceedings necessary for acquiring said land, and the title thereto, for and on behalf of said school district. The method of procedure to acquire such land shall be that prescribed for the condemnation of real property for public use in title one of chapter twenty-three of the code of civil procedure, and any amendments thereof, entitled "proceedings for the condemnation of real property," and known as the "condemnation law."

15. To have to the exclusion of all boards and officers, except ^{Supervision and management of schools.} the superintendent of public instruction of this State and the board of regents of this State, the entire supervision and management of the public schools in said city, and the right from time to time to adopt, alter, modify or repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one schoolroom or schoolhouse to another, for their advancement from class to class as their degrees of scholarship shall warrant, and generally for the promotion of the good order and prosperity of said school.

16. To allow the children of persons not resident within said city to attend any of the schools therein under the control of said board, upon such terms as said board may prescribe. ^{Non-resident pupils.}

17. To establish and maintain a school library and to provide ^{School library.} suitable rooms therefor, to employ and pay a librarian, to have the care and supervision of the books and other publications belong-

Library
moneys.

ing thereto, and supervise the letting out and return thereof. To exercise the same discretion as to the disposition of the moneys provided by the law for the purpose of libraries as is conferred upon the inhabitants of school districts.

General
powers.

18. Except as otherwise provided by this act to exercise all the powers conferred upon the inhabitants of school districts at school district meetings. And except as otherwise provided by this act, to exercise all the powers conferred and all the duties imposed by the general laws of this State applicable to boards of education in cities. The records of the proceedings of said board or a transcript thereof, certified by its president and clerk, shall be received in all courts or places as prima facie evidence of the facts therein stated.

Evidence of
records and
proceed-
ings.

Annual
statements
of sums
for school
purposes.

§ 83i. Within twenty days after the first organization of the board of education hereby created, and on or before the first day of April in each year thereafter, said board of education shall prepare a statement of such sums of money as it may deem necessary for the following purposes, until the next annual statement, namely:

1. For the wages of superintendent and teachers, after applying all the public school and other moneys applicable thereto.

2. For the maintenance of a high school if one shall have been established, and the payment of the teachers thereof after applying such of the public school and other moneys as may be applicable thereto.

3. For the repairs of schoolhouses, outhouses and grounds, with their appendages and appurtenances.

4. For the purchase, repair, or improvements of school apparatus, books, furniture and fixtures.

5. For the purchase, maintenance and care of the school library, but not to exceed four hundred dollars in any one year.

6. For the rent of schoolhouses and rooms for school purposes, the purchase of fuel and lights, and to pay the contingent expenses of the district, including the wages of clerk, janitors, truant officers, and other assistants and employes, and incidental expenses.

Action by
mayor
thereupon

7. For such other purposes as required by the provisions of this act. Such statements shall, within the time hereinbefore specified, be presented to the mayor or acting mayor of said city, and if he approve such statement, he shall sign it, and immedi-

ately file the same with the city clerk; if he does not approve any item therein, except the items hereinafter mentioned, which he can not disapprove, he shall within two days return the same to the president or clerk of said board of education with his objections indorsed thereon or annexed thereto. The mayor or acting mayor of said city shall not have power or authority, however, to disapprove or veto any part, portion or item of such statement which specifies the amount of money deemed necessary for the payment of the salary and wages of the superintendent and teachers of said schools and the payment of the contingent expenses of said schools, but said board of education shall have the exclusive power and authority to fix and determine the amount of money necessary for the payment of said salary, wages, and contingent expenses. Said board shall then proceed to reconsider ^{Vote, how recon-} said statement, and if two-thirds of all the members then in office ^{sidered.} agree to pass the same, it shall stand as if approved by the mayor and shall be immediately filed with the city clerk. If two-thirds of the members of said board do not agree to sustain the statement as made, it shall be modified so as to conform to the views expressed by the mayor in his objections, and he shall then sign it and file it with the city clerk. If the mayor or acting mayor ^{Failure to return statement.} fails to sign the statement of moneys required, as herein provided, or fails to return such statement, with his objections thereto, to the board of education, within two days after its submission, said statement shall be filed with the city clerk in the same manner as if it had been approved. When such statement ^{Annual tax.} is filed with the city clerk, the common council of said city shall include the amount therein called for in the annual tax and assessment-roll for that year, and the amount so certified shall be collected and paid to the city treasurer who shall credit it to the general school fund of the board of education. All public ^{Funds to be paid treasurer.} moneys or public funds belonging or appropriated to the use of said district shall be paid to the treasurer of said city, who shall keep the same separate from the general fund of the city, and shall credit to each of the school funds the moneys or property belonging thereto. The board ^{Disbursement of same.} of education shall disburse all the funds of the said district by orders upon the city treasurer, signed by its clerk and countersigned by its president. Said orders shall be numbered consecu-

tively, and shall specify the purpose for which they are drawn, persons to whom payable, and the particular school fund to which they are chargeable. Upon the request from said board of education the city treasurer shall certify from time to time the balance remaining to the credit of said school fund or each separate fund thereof. Whenever any moneys are collected by or paid to the city treasurer for school purposes, it shall not be lawful for said treasurer to apply such money, or any part thereof, to any other purpose or object.

Money
not to be
diverted.

Purchase
of sites,
etc., resolu-
tion for,
etc.

§ 83j. When the board of education shall determine by resolution that it is necessary to purchase any site, or any addition to any site, or erect any school building, or enlarge any school, any building already erected, it shall specify in such resolution the ward within which such site is to be purchased or building erected or enlarged, and the particular sum required for each separately.

Submission
of question
to electors.

The board shall then deliver a certified copy of such resolution to the city clerk, notifying him that at the next subsequent election in said city the electors will be called upon to vote for or against such tax as the proposed expenditure will impose; and said city clerk shall embody such resolution in the notice of election that he is required by law to give of the next general city

Ballots and
ballot
boxes.

election. The board of education shall provide and deliver to the city clerk at the proper time sufficient printed ballots, for and against said tax, for the use of the electors, which shall be indorsed "school tax," and shall be deposited in a separate ballot box provided therefor and marked "school tax." Upon the inside of such ballot shall be printed the several items or objects

Canvass of
votes.

to be voted for or against. The inspectors shall canvass the said votes, and make a statement thereof in respect to each item voted upon, and immediately file the same with the clerk of the board of education. Within three days following such election the board of education shall convene at its usual place of meeting, at eight o'clock in the evening, and the statement from each polling place shall be produced, and the board shall forthwith declare and make a certificate in writing of the result. In case a majority of the votes cast be in favor of any said taxes, the board of education shall have authority to borrow, upon the faith and credit of said city, the aggregate of the items having such majority, or any part thereof, at any time before and until the same can be provided for according to law. In case the sum or

May bor-
row money
upon favor-
able vote.

~~SUMS~~ so authorized to be raised shall exceed the sum of five thousand dollars, the board of education shall issue bonds or other evidence of indebtedness in such form as it may prescribe for the amount exceeding such sum of five thousand dollars at a rate of interest not exceeding five per centum per annum, and payable at the rate of five thousand dollars per year. Said bonds, or any part thereof, may be sold by said board of education in such manner as it may deem best, but not at less than the par value thereof. The board of education shall, on or before the first day of April in each year, file with the city clerk a statement of the amount necessary to be raised to pay the interest and principal that will become due during the ensuing year upon the bonds or obligations so issued by said board, and the common council shall include the same in the annual city tax and assessment-roll for that year. Such amount shall be collected and paid to the city treasurer, and by him credited to the "loan fund." The common council, upon receiving the certificate of the result of any such election from the board of education, at which any money was voted to be raised, shall include five thousand dollars of the amount so authorized to be raised, or any less sum which may have been so authorized, in the next levy and assessment-roll for the collection of taxes in said city, except that whenever any such election may have been held, and money voted to be raised, there shall be outstanding and unpaid any bonds or evidence of indebtedness issued in accordance with the provisions of this section, the board of education shall borrow, and in the same manner hereinbefore provided, the whole amount voted at such election, but no bonds or other obligations shall be made to mature at such time as will make the amount to be raised by tax for this purpose, in any one year, exceed five thousand dollars of principal and the interest on all such bonds or obligations unpaid. This shall not be construed to affect any obligation made prior to the passage of this act. The board of education, after completing the work or other objects for which the said money may have been raised, may apply any unexpended balance that may remain to any object authorized or contemplated by this section.

Issue of
bonds.

Statement
of amount
for interest
and principal.

Tax for
amount
voted for.

Exception.

Unexpended
balance.

Annual
report of
board.

§ 83k. It shall be the duty of the board of education, on or before the first day of August, in each year, to make and publish in the official newspapers of said city a detailed report of the

manner in which it shall have expended the money provided for and appropriated to school purposes from any source during the last fiscal year of said board of education, also a full statement of the bonded or other indebtedness of the district. The said board may also, as soon thereafter as practicable, make and publish, in such form as they shall consider advisable, such other and more extended report in relation to the affairs of the schools of said city as in their judgment may be of interest to the inhabitants thereof. Said board of education shall also make a report to the superintendent of public instruction of this State, and such report shall be made in the manner, and at such times, as he may direct.

Apportionment of State moneys for use of board.

§ 83l. It shall be the duty of the superintendent of public instruction of this State to apportion for the use of the board of education of the city of Amsterdam, such portions of the school library and other money as it shall be entitled to, by its annual report, in the same manner in which such moneys are apportioned to cities, and the amount to which it shall be so entitled shall be certified to the county treasurer of Montgomery county. The said county treasurer of Montgomery county shall pay over to the treasurer of the city of Amsterdam, for the use of the board of education of said city, such proportion of the school, library and other public moneys as may be apportioned by law or by the superintendent of public instruction of this State to the board of education of the city of Amsterdam, for teachers' wages, library and other school purposes.

Ordinances and by-laws.

§ 83m. The common council of the city of Amsterdam shall have the power, and it shall be its duty, to pass such ordinances and by-laws as the board of education of said city shall report as necessary for protection, safe keeping, care and preservation of the school buildings and other property of said district, and to impose such penalties for the violation of the same as it shall deem proper.

Vacancies in office.

§ 83n. All vacancies in the board of education occasioned by the resignation, refusal to serve, death or removal of any of its members, shall be filled by appointment by said board until the next regular school election, when the residue of the term, if any shall be filled by election, as hereinbefore prescribed.

Superintendent of instruction.

§ 83o. The superintendent of instruction of the city of Amsterdam, shall confer with and act under the direction of the board

of education of said city in performing the duties of his office. He shall, subject to the direction of said board, have general control and supervision of the public schools and the teachers thereof in said city, and shall on or before the first day of March, in each year, report in writing to the board of education as follows:

1. The whole number of schools within the jurisdiction of the board of education and their sanitary conditions. Annual report of superintendent.

2. The repairs or alterations, if any, that are necessary for such schools.

3. The condition of the school furniture, apparatus and books in the several schools, and the repairs or additions thereto that may be necessary.

4. The number of teachers employed in the several schools, and their efficiency, with suggestions as to the increase or decrease in the number thereof.

5. Number of pupils registered at each school and the average daily attendance.

6. Such changes in the curriculum of any or all of the schools as he may deem advisable.

7. As to the condition and management of the high school, if one shall have been established.

8. Such other information in relation to the city schools as may be of interest to the people of the city of Amsterdam.

§ 83p. The said consolidated districts shall be deemed and is hereby declared to be a union free school district under the laws of this State relating to public instruction. All provisions of law not inconsistent with the provisions of this act applicable to school districts whose limits correspond with any incorporated city, and the boards of education therein, and the corporate authority of such cities, are made applicable to the school district hereby consolidated and established, and to the board of education thereof, and to the corporate authorities of the city of Amsterdam. Union free school district.

§ 2. All acts and parts of acts inconsistent with the provisions of this act, so far as they relate to the school districts of the city of Amsterdam, are hereby repealed. Repeal.

§ 3. This act shall take effect immediately.

Chap. 252.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, as amended by chapter six hundred and four of the laws of eighteen hundred and ninety-three, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," and to change the time of holding the annual election in said city.

Passed without the acceptance of the city.

BECAME a law April 5, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section five of title three of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, as amended by chapter six hundred and four of the laws of eighteen hundred and ninety-three, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," is hereby amended to read as follows:

Annual
election.

§ 5. An election, which shall be known as the "annual election," shall be held in each of the election districts of said city on the Tuesday next succeeding the first Monday of November in each year, for the election, as herein provided, of the officers elective under this act.

§ 2. Section eleven of title three of said chapter of said act is hereby amended to read as follows:

Canvass of
votes by
council.

§ 11. The city clerk shall present the several statements and certificates, so delivered to him, to the common council at a meeting thereof to be held on the first Tuesday after said annual election. Upon such statements and certificates, the common council shall proceed, as a board of canvassers, to determine what person or persons has or have, by the greatest number of votes, been duly elected to each of the offices mentioned in each statement. The person receiving the greatest number of votes for each said office shall be declared duly elected thereto; and the common council shall thereupon make duplicate statements in writing of its determination, certifying thereby the whole number of votes given in each ward and district for each office to be filled, the names of the candidates and the number of

State-
ments.

votes given to each, which said duplicate statements shall be subscribed by the common council, or a majority thereof, and be delivered to the city clerk, who shall file one of said statements in his office and enter the same in the book of record of proceedings of the common council, and within ten days thereafter he shall file the other said statement in the office of the clerk of the county of Albany. Within ten days after receiving said statement, the city clerk shall serve a written notice of election upon each person declared elected to any office. Such service shall be made personally, or by leaving said notice at the place of residence of the person to be notified, where he will be likely to receive the same.

Notice to persons elected.

§ 3. Section one of title four of said chapter of said act is hereby amended to read as follows:

§ 1. The common council shall be composed of the mayor and aldermen. It shall hold a meeting to be known as the "annual meeting," at such place as the mayor may designate, on the third Tuesday in April in each year. It shall also hold regular meetings at least once in each month; and the mayor, or, in his absence, any three aldermen, may call a special meeting by notice thereof in writing to be served personally, or by leaving the same at their respective places of residence, on all the other members of the common council, at least six hours before such meeting.

Meetings of council.

§ 4. Section nine of title four of said chapter of said act, is hereby amended to read as follows:

§ 9. The common council, at its annual meeting in every second year thereafter, shall appoint a chamberlain for said city; and, at its first annual meeting, after each annual election, shall appoint the following officers for said city, to wit: A clerk, an attorney, an engineer and surveyor, a superintendent of streets and public grounds, an overseer of the poor, a sealer of weights and measures, and a poundmaster. Failure on the part of the common council to appoint any of the foregoing officers mentioned in this section, at the time or times specially prescribed therefor, shall not render invalid the appointment of any such officer or officers, but the term of office of such officer or officers shall in such case, expire as if such appointment were made at the time or times so prescribed. Besides the foregoing officers the common council shall also, from time to time appoint com-

Appointment of city officers.

Failure to appoint.

Commissioners of deeds.

* So in the original.

missioners of deeds for said city, not to exceed twenty in number, who shall possess the powers, perform the duties and receive the compensation hereinafter prescribed.

§ 5. Section fifty-three of title five of said chapter of said act, is hereby amended to read as follows:

Commence-
ment and
expiration
of terms.

§ 53. All officers elected at the annual election shall, unless herein otherwise provided, enter upon the duties of their respective offices on the third Tuesday in April succeeding their election, and continue in office until the third Tuesday in April in the year of the expiration of their respective terms, and until their successors duly chosen, have taken the oath of office and become duly qualified to serve. All officers appointed by the common council to fill a vacancy, as provided qualifying therefor, and shall continue in office until the third Tuesday in April next following, and until others are elected or appointed in their places and have become duly qualified. All officers elected to office for the residue of an unexpired term, as provided in the last section, shall enter upon the duties of their respective offices on the first Tuesday

Election of
city and
ward offi-
cers in 1895.

succeeding their election. On the Tuesday next succeeding the first Monday of November, in the year eighteen hundred and ninety-five, a mayor, a police commissioner and two assessors shall be elected in said city. At the same time there shall be elected in each ward in said city one supervisor, two aldermen, two school commissioners and two constables. The term of office of said officers shall commence and continue as follows: The term of office of the mayor, a police commissioner and one assessor, and in each ward the term of office of the supervisor, one alderman and one school commissioner and one constable, shall commence the third Tuesday in April, in the year eighteen hundred and ninety-six, and shall continue as prescribed in the case of those officers respectively, by the act hereby amended, or by law; the other of said assessors' term of office shall commence on the Tuesday next succeeding his election and shall continue until the third Tuesday in April, in the year eighteen hundred and ninety-eight. The term of office of one alderman and one school commissioner in each ward, shall commence on the Tuesday next succeeding their election and shall continue until the third Tuesday in April, in the year eighteen hundred and

Terms of
office.

ninety-seven; and the term of office of one constables in each ward shall commence on the Tuesday next succeeding his election and continue until the third Tuesday in April, in the year eighteen hundred and ninety-six. Where, at the first annual election in said city after the passage of this act, two candidates for the same office, with terms of unequal duration, are to be voted for in any ward, such unequal terms shall be distinguished upon each ballot by the words "long term" or "short term," as the case may be, beneath the name of the office, upon the ballot voted. At each annual election succeeding the annual election in the year eighteen hundred and ninety-five, the same officers shall be elected in said city as would, except for the passage of this act, be elected on the second Tuesday in April next succeeding such election. All officers of the city of Cohoes in office when this act takes effect shall hold their offices for the terms for which they were respectively chosen, and until their successors are chosen and have qualified. In the case of the creation of any new or additional ward in said city prior to the time of the annual election therein in the year eighteen hundred and ninety-five, as regulated by this act, the common council shall appoint to the several offices in said ward, and all officers so appointed shall, as to their respective powers and duties, be subject to the provisions of the act hereby amended; and they shall hold their respective offices until the second Tuesday in November, in the year eighteen hundred and ninety-five, and until their successors shall have been duly elected and qualified. At the first annual election under this act in the year eighteen hundred and ninety-five, there shall be elected in each new or additional ward two supervisors, two aldermen, two school commissioners and two constables. The term of office of one supervisor shall commence on Tuesday next after his election and shall expire simultaneously with the expiration of the terms of supervisors in office in the existing wards in said city; the term of office of the other of said supervisors shall commence on the third Tuesday in April, in the year eighteen hundred and ninety-six, and shall expire two years thereafter. One alderman and one school commissioner shall hold office from the twelfth day of November, in the year eighteen hundred and ninety-five, until the third Tuesday in April, in the year eighteen hundred and ninety-seven;

Designation of terms on ballots.

Annual election of officers.

Terms of incumbents.

Appointment of ward officers in 1895.

Election of ward officers in 1895.

Terms of supervisors.

Aldermen and school commissioners.

and one alderman and one school commissioner shall hold office from said twelfth day of November, in the year eighteen hundred and ninety-five, until the third Tuesday in April, in the year eighteen hundred and ninety-eight; and one constable shall hold office from the twelfth day of November, in the year eighteen hundred and ninety-five, until the third Tuesday in April, in the year eighteen hundred and ninety-six; the other shall hold office for the period of one year from the third Tuesday in April, in the year eighteen hundred and ninety-six. And all said officers shall hold their respective offices until their successors shall have been duly elected and qualified as provided in the act hereby amended. In the case of unequal duration in the terms of like offices in any such ward, the same means of distinguishing such unequal terms, at the first election therein, shall be employed as prescribed in the last section.

§ 6. Section eleven of title thirteen of said chapter, as amended by chapter six hundred and four of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

Fiscal year and auditing of accounts.

Annual statement of council to be published.

§ 11. The fiscal year shall terminate on the second Tuesday in March in each year, and no accounts, claims or demands shall be audited by the common council between that time and the third Tuesday in April next. At the close of the fiscal year and at least one week preceding said election, the common council shall cause to be prepared and published a full and true statement setting forth the amount of taxes and assessments levied and assessed under this act during such fiscal year, and the purposes for which the same were levied and assessed; the balance in the treasury at the commencement of the fiscal year, and to what fund belonging; the amount collected in the annual tax-roll and on each assessment-roll during such year, and for what purpose; the receipts from all other sources, in items, so far as practicable; also the disbursements in items, and from what funds made, with the name of every person who shall have presented any claim against the city which shall have been allowed by the common council or any board of said city, with the amount claimed and allowed and the balance in the treasury at the end of the fiscal year, and to what funds belonging. Said statement shall be verified by the clerk of the city as true and correct in every respect.

Verification.

§ 7. This act shall take effect immediately.

Chap. 256.

AN ACT relative to lands in the county of Richmond, devised by the last will and testament of Courtlandt Palmer, deceased, to Edward Hazard Dixon, since deceased, and Catharine Amory Palmer, now Catharine Amory Abbe, as trustees.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. On the application by petition by Catharine Amory Abbe, as sole surviving trustee under the last will and testament of Courtlandt Palmer, deceased, and by Robert Amory Palmer, Mary Ann Suydam Palmer, Courtlandt Palmer and Evelina Palmer, and their lawful issue in being, in person, if of age, and by a relative or other person, if infants, the supreme court, at a special term thereof, held in and for the county of Kings, at the city of Brooklyn, may authorize and direct the sale in fee simple absolute, of the lands, premises and real estate situate, lying and being in the county of Richmond and State of New York, which in and by the last will and testament of Courtlandt Palmer, deceased, admitted to probate by the surrogate of the county of New York, on the third day of December, in the year eighteen hundred and eighty-eight, were devised to Edward Hazard Dixon, now deceased, and Catharine Amory Palmer, now Catharine Amory Abbe, in trust, upon the trusts and for the uses and purposes in said last will and testament set forth, or of any part or parts, parcel or parcels, portion or portions of the said lands, premises and real estate, at one time, or from time to time, as may be judged to be expedient and calculated to promote the interests of all those interested in said lands, premises and real estate, whether in being or not, or whether having a present or contingent interest in said lands, premises and real estate. Ten days' notice of the time and place of such application shall be given to all persons having an interest in said lands, premises and real estate at the time of said application. On such application, the court shall appoint one or more suitable persons as a special guardian or guardians of such of said applicants, or the parties to the proceedings, as may

Court may direct sale upon petition.

Notice of application.

Guardians.

be an infant, or infants, in relation to the proceedings on such application.

**Sale of
lands, how
made.**

§ 2. If the court shall order a sale of said lands, premises and real estate, or of any part, parcel or portion thereof, it shall direct that said sale be made by and under the direction of Catharine Amory Abbe, formerly Catharine Amory Palmer, as sole surviving trustee under the last will and testament of Courtlandt Palmer, deceased, or by her successor or successors, as such trustee or trustees. Such sale may be either public or private, as the court may deem expedient. If a public sale shall be ordered, the same shall be made under the direction of said sole surviving trustee, or her successor or successors, and at such time and place, or times and places, and on such notice or notices, as the court shall direct. Said surviving trustee, or her successor or successors, shall make a report to the court of the proceedings in respect to such sale, and, if the court approve of the sale so made, it shall confirm the same, and authorize and direct said sole surviving trustee, or her successor or successors, to execute a conveyance, or conveyances, accordingly, of the premises sold. If the court shall order said lands, premises and real estate, or any part or parts, portion or portions, thereof, to be sold at private sale, the said sole surviving trustee, or her successor or successors, shall, in connection with such of the applicants as shall then be of full age, and the special guardian, or guardians, of such as may then be infants, submit to the court, in writing, the price for which and the terms upon which it may be proposed to make such sale, and the court, if it approve thereof, shall order such sale to be made accordingly, and authorize and direct the said sole surviving trustee, or her successor or successors, to make the same, and to execute a conveyance, or conveyances, to the purchasers.

**Public
sale.**

**Private
sale.**

**Validity of
convey-
ances.**

§ 3. All such conveyances made as aforesaid, in pursuance of such authority and direction, shall be valid and effectual to vest in the purchaser, or purchasers, his, her or their heirs and assigns, a fee simple absolute as against all persons having any claim to or right, title, interest or estate in such lands, premises and real estate under the said last will and testament; and all persons, whether in being or not, who might become interested therein under said last will and testament, and the court may require such of the applicants as may be of full age, and the

special guardian, or guardians, of such applicants as may be infants, to join the said sole surviving trustee, her successor or successors, in the due execution and acknowledgment of any conveyances to be made by said sole surviving trustee, her successor or successors, in pursuance to this act, and to release any and all interest or claim upon said land, premises and real estate.

§ 4. Said sole surviving trustee, or her successor or successors, shall receive the proceeds of all sales, and shall pay thereout such sums as the court may allow for the costs and expenses of sales and the proceedings had in pursuance of this act, and also such proper expenses as may be incurred by her, or her successor or successors, in the discharge of her, or their, duties, under and pursuant to this act; and the residue of proceeds of such sale, or sales, shall be held by said sole surviving trustee, her successor or successors, in trust upon the same trusts and for the like uses and purposes as the said premises, lands and real estate were held prior to said sale under and by virtue of the said last will and testament.

Proceeds of sale, how applied.

§ 5. The court shall have power to make such allowance as it may in its discretion deem proper, for the costs and expenses of the proceedings had under or by virtue of this act.

Costs and expenses.

§ 6. This act shall take effect immediately.

Chap. 257.

AN ACT to authorize the president and board of trustees of the village of Corinth, Saratoga county, to remove the remains of deceased persons buried in the old cemetery or burying ground in said village and re-inter the same in the Corinth Rural Cemetery, and to provide for the village of Corinth acquiring tile to the land embraced therein.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The president and board of trustees of the village of Corinth, Saratoga county, are hereby authorized and empowered to remove all the remains of deceased persons from the old

Removal of remains authorized.

cemetery or burying ground in said village, in the manner herein-after provided; which cemetery has by resolution been condemned as a public nuisance by the board of health of said village.

Notice to
friends and
relatives.

§ 2. The said president and board of trustees shall cause a notice to be published once in each week for four successive weeks in the "Corinthian" a newspaper published in said village of Corinth, giving notice to the friends and relatives of deceased persons buried in the old cemetery or burying ground in the said village of Corinth, to remove the same at their own expense within thirty days after the first publication of said notice, and in default thereof that the president and board of trustees of said village will commence to remove the same at the expiration of that time, which publication shall be deemed sufficient notice to the relatives and friends of the deceased persons buried in said cemetery; except that of the personal representatives or next of kin of any person now interred in said old cemetery or burying ground are known, and they or any of them are residents of this State, such notice shall be served personally by publication in State paper upon said representatives and next of kin so residing in this State, and no body of such deceased person shall be removed until after the lapse of thirty days from the publication or service of said notice, and the said representatives and next of kin shall be allowed to remove, and it shall be lawful for them to remove, the body or bodies of such deceased person or persons from said old cemetery or burying ground during said thirty days subsequent to the giving of such publication or notice and of the final publication thereof.

Removal of
remains by
same.

Removal
and reinter-
ment of
remains by
trustees.

§ 3. After the expiration of said thirty days, provided the said notice is published and served as herein provided, the said president and board of trustees shall have full power and authority to enter upon and remove all bodies from such cemetery or burying ground, then remaining therein, and reinter the said remains in the new cemetery, called the Corinth Rural Cemetery; and the bodies so removed, when distinguishable, shall be inclosed in a separate box or casket, and every monument, headstone, footstone, slab, board or other distinguishing mark or designation, shall be carefully removed and properly placed with the body with which it is connected, and shall be properly set up at the graves in which such bodies are placed respectively in said new cemetery;

and members of the same family, as far as the same can be ascertained, shall be placed in contiguous graves. No costs, charges or expenses for advertising or removal of said bodies shall be or become a charge upon the town of Corinth or the county of Saratoga, but shall be a charge against the village of Corinth unless defrayed by voluntary subscription or individual enterprises.

Costs and expenses.

§ 4. The supervisor of the town of Corinth is hereby authorized and empowered to execute, acknowledge and deliver for and in the name of the said town of Corinth to the village of Corinth, in its name, a good and sufficient deed of the land comprising such old cemetery, with proper description thereof, upon, and in consideration of the said village assuming and paying the costs, charges and expenses of advertising and removal of said human remains as herein provided, and such deed shall convey to and invest in said village of Corinth the title to such land in fee simple absolute.

Conveyance of lands to village.

§ 5. This act shall take effect immediately.

Chap. 258.

AN ACT to authorize the city of Binghamton to reimburse Protection Hose Company number three for moneys expended upon a fire station, the property of said city.

Accepted by the city.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Binghamton is hereby authorized and empowered to appropriate from the contingent fund of said city and pay over to Protection Hose Company Number Three, an incorporated fire company belonging to the fire department of said city, the sum of seven hundred and ninety-one dollars and seventy-eight cents, being the amount expended by said company in completing a fire station, the property of said city, over and above the amount said city was authorized to and did pay, for the construction of said station.

Appropriation to reimburse company.

§ 2. This act shall take effect immediately.

Chap. 259.

AN ACT to authorize the town of Walton, Delaware county, to convey certain real estate, or the rights which said town may have in said real estate, being a part of its common lands.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Convey-
ance of
land to
library.

Section 1. For the purpose of carrying into effect a resolution of the electors of the town of Walton, in Delaware county, passed at their annual town meeting, held on the twelfth of February, in the year eighteen hundred and ninety-five, the supervisor of said town is hereby authorized, with the consent of the town board of said town, to execute and deliver, in the name of said town, to the William B. Ogden Memorial Library, or such other title as said library association shall be incorporated under, for a nominal consideration, a sufficient deed of all the right, title and interest of said town in and to a certain parcel of land situated in said town and village of Walton, and known as the public square or common.

Chap. 260.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," with respect to pensions to widows and orphans of members of the fire department of said city.

Accepted by the city.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolida-
tion act
amended.

Section 1. Section five hundred and twenty of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of

New York," as heretofore amended, is hereby further amended to read as follows:

§ 520. The trustees of the relief fund are authorized and empowered, from time to time, to pay a pension out of the said relief fund to the widow, child or children of any deceased officer or member of the uniformed force of the said fire department, if the death of such officer or member occur during his service in the said uniformed force, or after he was retired from service in said uniformed force; provided, that the amount of any such pension to be paid by the said trustees, to each of the several representatives of such officer or member as aforesaid (in case there shall be more than one), may be, from time to time, determined by the said trustees according to the circumstances of each case, and that such pension may be ordered to cease and terminate at any time if, in the opinion of the trustees, the circumstances should warrant the same; and further provided, that not more than three hundred dollars shall be paid in any one year to the representative or representatives of such officer or member, and that no part of such sum shall be paid to any such widow who shall marry again, after her remarriage, or to any child after it shall have reached the age of sixteen years. In case any officer or member of the uniformed force of said department is hereafter killed while actually engaged in the performance of duty, or if death ensue as the immediate effect of injuries so received, the trustees of said relief fund shall have the power, by a unanimous vote, to award to the widow of such officer or member an annual allowance as pension, to be paid out of the said relief fund, in amount not to exceed one-half of the salary or compensation of such officer or member at the date of his decease. If such officer or member dying leaves no widow him surviving, but leaves a child or children, under the age of eighteen years, the said trustees shall have the power, by a unanimous vote, to award to the legal guardian of such child or children, for its or their support and maintenance, an annual allowance, out of said relief fund, in amount not to exceed one-half of the salary or allowance of such officer or member at the date of his decease. The amount of such annual allowance to any such widow shall not exceed the sum of one thousand dollars, and shall cease upon her death or

Pensions to widows and orphans.

Annual allowances to representatives of members killed in service, etc.

remarriage, or if she shall have been guilty of conduct which, in the opinion of said trustees, renders its further payment inexpedient. The amount of such annual allowance to any one such child shall not exceed the sum of five hundred dollars, and in every case such payment shall cease upon the death or marriage of such child, or upon its reaching the age of eighteen years. If such payment to the widow of any such officer or member shall cease by reason of her death, remarriage or misconduct, the said trustees shall have the power, by a like vote, to make payments to the child or children of such officer or member, if any, as though he had died without leaving a widow him surviving.

§ 2. This act shall take effect immediately.

Chap. 261.

AN ACT to amend chapter one hundred and nineteen of the laws of eighteen hundred and eighty-nine, entitled "An act amend, revise and consolidate the laws in relation to the village of Penn Yan, in the county of Yates."

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section one of title two of chapter one hundred and nineteen of the laws of eighteen hundred and eighty-nine, entitled "An act to amend, revise and consolidate the laws in relation to the village of Penn Yan, in the county of Yates," is hereby amended so as to read as follows:

Village
officers.

§ 1. The officers of the village shall be a president, six trustees, one of whom shall reside in each district; one clerk, one treasurer, one police justice, three assessors, one street commissioner, one chief of police, one collector, three fire wardens, one poundmaster, three commissioners of the cemetery grounds belonging to the village, six inspectors of election, one of whom shall reside in each district; one chief engineer, two assistant engineers, and a secretary, who shall also act as treasurer of the fire department. The president, trustees, treasurer, police justice, assessors, collector, cemetery commissioners, inspectors of election, and engineers and secretary of the fire department, shall be elected by ballot by the electors of said village.

Elective
officers.

§ 2. Section ten of title two of said act is hereby amended so as to read as follows:

§ 10. All persons appointed to office shall be notified of their ^{Official bonds,} appointment by the village clerk. The treasurer, clerk, police justice, collector, secretary of the fire department, and such other officers as may be required by the board of trustees, shall, before they enter upon the duties of their respective offices, execute and file with the village clerk, a bond to the trustees of the village of Penn Yan, in such sum and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively.

§ 3. Section twelve of title two of said act is hereby amended so as to read as follows:

§ 12. At the next annual election held in and for said village, ^{Election and terms of office.} after the passage of this act, the president and all other elective officers shall be elected, all of whom shall hold their respective offices for one year, except the president, police justice and commissioners of the cemetery grounds. The president shall hold his office for two years, and until his successor shall duly qualify. At every annual election there shall be elected six trustees, one of whom shall reside in each district, who shall hold office for one year, and until their successors shall qualify; also one treasurer, three assessors, one collector, one chief engineer, two assistant engineers, and one secretary of the fire department, all of whom shall hold their respective offices for one year. After the first annual election under this act, the president shall be elected every two years.

§ 4. Section four of title five of said act is hereby amended so as to read as follows:

§ 4. The votes upon any tax or appropriation of money shall ^{Vote upon appropriation by ballot,} be taken by ballot, prepared by the board of trustees. The taxpayers present at the time for opening the meeting shall appoint a chairman and two inspectors from among the number of legal voters present; and such inspectors shall, as soon as the polls are closed and without adjournment, report the result to the meeting, and within twenty-four hours thereafter file a certificate of the same with the clerk of the village. ^{Result, how filed.}

§ 5. Section one of title six of said act is hereby amended so as to read as follows:

Police justice.

§ 1. The police justice shall hold his office three years unless sooner removed. Until the first annual election in said village after the passage of this act, the board of trustees of said village may appoint a properly qualified person, resident of said village, to execute the duties of such office. The salary of the police justice shall be five hundred dollars per annum, payable quarterly, and he shall receive or retain no other fee or emolument whatever. He shall have exclusive jurisdiction of all

Salary.

Jurisdiction and powers.

criminal matters within this corporation of which justices of the peace and courts of special sessions now have or shall have jurisdiction within the towns of this State. He shall also have exclusive jurisdiction of all violations of this charter, and all by-laws and ordinances of this village. He shall also have power to take affidavits and acknowledgments subject to the same rules, and in all cases where he could were he a justice of the peace of Yates county. He shall proceed (without allowing bail to await the action of the grand jury) and try all persons brought before him accused of any crime of the grade of misdemeanor or of a less degree, but such person shall have the right of trial by jury, as provided in courts of special sessions, if he shall demand the same. He shall, in all things relating to the mode and manner of procedure in his court, or in the arraignment or trial of parties accused, be governed by the same laws as justices of the peace or courts of special sessions in towns. To enforce the payment of fines imposed by this charter, or the by-laws or ordinances of this village, in addition to other powers, he shall have power to commit the person fined for a number of days certain, not exceeding the number of dollars of the fine, to the Yates county jail. He shall keep a record of all proceedings before him, in which shall be entered all judgments he may render, all fines imposed, and whether collected, and if so, when and how. The police justice shall collect and receive all fees, fines and allowances that are by law collectable by justices of the peace, or courts of special sessions in towns, or that may be imposed or received by him to enforce this charter, or any by-laws of this village, and pay them over to the village treasurer, taking his receipt therefor. And on or before the fifth day of each month, he shall make and

Commitments.

Record of proceedings.

Collection and payment over of fines, etc.

Monthly statement to clerk.

return to the clerk of this village, in such form as the board of trustees may prescribe, a sworn tabular statement of all such fees, fines and allowances imposed or received by him, either directly or indirectly, during the last month preceding, and with it the receipt of the treasurer of this village, showing that he had paid into the village treasury the amount of all such fees, fines and allowances, as shown by said statement, for the benefit of the village, and any omission to render such statement and pay over such fines, fees and allowances, or any part thereof, on or before the fifteenth day of each month, or any false statement, or any intentional omission to set out in such statement any portion of such fine, fees or allowances received by him, shall be sufficient cause for removal of said police justice from office by the county judge of Yates county. The board of trustees may also appoint some justice of the peace of the town of Milo, resident in said village, as hereinbefore provided, and said justice of the peace thus appointed shall, at any time when the police justice shall be unable to perform the duties, or any of them, of his office, on account of necessary absence from this corporation, sickness, or any other cause that does not vacate his office, perform during such period all of the duties and have all the power, and be subject to all the regulations herein provided as to said police justice, and for such services he shall receive a proportionate share of the salary of said police justice, to be determined by the board of trustees, which amount paid him shall be deducted from the salary of said police justice. And said justice of the peace shall receive no fees, pay or allowance from any source for such services, except such proportionate share of said salary. But said justice of the peace shall make all statements and accounts, as hereinbefore provided, for the period during which he shall discharge the duties of police justice. Wherever the word magistrate is used in this act it shall be construed to mean the police justice of said village, or the justices of the peace appointed to act temporarily in his stead. The police justice shall have concurrent jurisdiction with justices of the peace of all criminal matters within that part of the towns in which said village is situated, of which the justices of the peace and courts of special sessions thereof now have, or shall have jurisdiction within the towns of this State. The president of said

Acting
police justice.

Term
magistrate
defined.

Concurrent
jurisdiction
of
police justice.

Special
police con-
stables.

village, when authorized by the board of trustees, shall appoint such persons as may be designated by them, special police constables to meet any emergency which said trustees may anticipate, and they shall receive an appointment in writing, under the hand of the president, for such length of time as said trustees may determine, and such constables, during the period for which they are thus appointed, shall possess and exercise the same powers and duties, be subject to the same liabilities as are conferred upon the chief of police by section six, title six of this act, and entitled to receive the compensation which the trustees shall fix for their services, but they may be removed by the president or the trustees at any time within the period for which they were so appointed.

§ 6. Section three of title six of said act is hereby amended so as to read as follows:

Health
commis-
sioners.

§ 3. The trustees shall appoint not exceeding three taxpayers of said village to serve as health commissioners, one of whom shall be designated by such board of trustees as presiding officer thereof, and shall constitute a board of health of said village, and said board of health shall have all the powers and be subject to all the duties of the act of the legislature of the State of New York, entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, and acts amendatory thereof and supplemental thereto, in addition to the powers which may be given by this act. The trustees may, and it shall be their duty, to take precautionary measures to guard the public health in times of infectious and pestilential diseases, and to provide against them when they appear in the village, by providing places for the removal of persons having such diseases, from the populous parts of the village, and to pay the expenses incidental to such removal, and they shall have the power to remove such persons.

Board of
health.

Precaution-
ary meas-
ures to
guard pub-
lic health.

§ 6. This act shall take effect immediately.

Chap. 263.

AN ACT to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and seventy-three, entitled "An act in reference to the Brooklyn Sunday School Union."

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter three hundred and thirty-eight of the laws of eighteen hundred and seventy-three, entitled "An act in reference to the Brooklyn Sunday School Union," as amended by chapter three hundred and eighteen of the laws of eighteen hundred and eighty-one, is hereby amended so as to read as follows: Charter amended.

§ 3. The property, business and affairs of said corporation shall be managed by a board of forty-eight managers, who shall be elected at such time and place, and in such manner and for such term as shall be provided by the by-laws of said corporation, except that the religious denominations known as the Congregational, Baptist, Methodist, Episcopal, Presbyterian, Protestant Episcopal and Reformed, shall each be represented in said board by at least five members thereof respectively. When any vacancy shall occur among the managers by death, resignation or otherwise, it shall be filled in such manner as may be provided by said by-laws. Board of managers. Vacancies.

§ 2. This act shall take effect immediately.

Chap. 264.

AN ACT to legalize the annual meeting for the election of officers in the village of Rushville, Yates county, New York.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The annual meeting of the electors of the village of Rushville, Yates county, New York, held in said village on the twentieth day of March, eighteen hundred and ninety-four, is hereby legalized, ratified and confirmed, and the election of Annual meeting and election of officers legalized.

officers at said meeting shall be valid and effectual in all respects as though said meeting had been held in the upper room commonly known as Stearnes' hall, in accordance with notices posted, and in accordance with the law regulating the same.

§ 2. This act shall take effect immediately.

Chap. 265.

AN ACT to amend chapter seven of the laws of eighteen hundred and sixty-seven, entitled "An act to establish a board of education in and for the village school district of the town of Malone, in the county of Franklin, and for other purposes."

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School act amended.

Section 1. Section three of chapter seven of the laws of eighteen hundred and sixty-seven, entitled "An act to establish a board of education in and for the village school district of the town of Malone, in the county of Franklin, and for other purposes," is hereby amended so as to read as follows:

Care and control of school and academy.

§ 3. The said board of education, when it shall be duly organized under the foregoing provision, shall have the care, management and control of all the schools of said village school district, and also of the academy therein; but nothing in this act shall be held in anywise to affect or impair the separate corporate existence of said academy, or any rights or privileges appertaining to it as such corporation, except as herein expressly provided. And generally, except as qualified by this act, the said board of education shall have, possess and exercise all the powers and privileges conferred on such boards in school districts, other than those whose limits correspond with those of any city or incorporated village by the consolidated

General powers of board.

Admission of pupils.

school law. The said district schools and said academy shall be free only to those persons residing in the district authorized to be enumerated and reported with those forming the basis for the apportionment of public money to said district. To all other persons, whether from within or without the limits of said dis-

strict, a just and remunerative rate of tuition shall be charged, which rate shall, from time to time, be fixed by said board of education.

§ 2. This act shall take effect immediately.

Chap. 269.

AN ACT to amend chapter two hundred and thirty-four of the laws of eighteen hundred and eighty-four, entitled "An act to regulate the grade and to fix the pay or compensation of uniformed members of the fire department, who are firemen, in all cities of this state having, according to the last census, a population exceeding eight hundred thousand."

Accepted by the city.

BECAME a law April 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and thirty-four of the laws of eighteen hundred and eighty-four, entitled "An act to regulate the grade and to fix the pay or compensation of uniformed members of the fire department who are firemen, in all cities of this State having, according to the last census, a population exceeding eight hundred thousand," is hereby amended so as to read as follows: Consolidation act amended.

§ 1. On and after the first day of January, eighteen hundred and ninety-six, the grade and the pay or compensation of uniformed members of the fire department who are firemen, in all cities of this State having, according to the last census, a population exceeding one million five hundred thousand shall be as follows: All such members who, on said first day of January, eighteen hundred and ninety-six, have served two years or more than two years on said force shall be members of the first grade; all such members who have served on such force for less than two years and more than one year shall be members of the second grade; and all other members then on said force shall be members of the third grade; and all persons appointed after the said first day of January, eighteen hundred and ninety-six, shall on their appointment, become members of the said third Grade and pay of firemen.

Advance-
ment in
grade and
pay.

grade. Whenever any member of the third grade shall have done service therein for one year he shall be advanced to the second grade; and whenever any member of the second grade shall have done service therein for one year he shall be advanced to the first grade. The annual pay or compensation of the uniformed members of the fire department, who are firemen as aforesaid, shall be as follows: For members of the first grade fourteen hundred dollars each; for members of the second grade twelve hundred dollars each; for members of the third grade one thousand dollars each; and for engineers sixteen hundred dollars each. The pay or compensation aforesaid shall be paid monthly to each person entitled thereto, subject to such deductions each month from the pay or compensation of said members as are or shall be authorized by law, and no pay or compensation shall be allowed or paid to any such fireman except as in this section provided for and declared, any other law to the contrary or otherwise notwithstanding.

Monthly
payment.

Rules and
regula-
tions.

§ 2. The board of fire commissioners in such city is hereby authorized and directed to make and adopt rules and regulations to execute and in all things enforce the provisions of this act.

Repeal.

§ 3. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 270.

AN ACT to ratify and confirm the acts and proceedings of the board of park commissioners of the city of Buffalo, and authorize payment for work done in repairing pavement and laying drainage in park roads and boulevards.

Accepted by the city.

BECAME a law April 10, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Proceed-
ings legal-
ized.

Section 1. All and singular the proceedings had and taken by the board of park commissioners of the city of Buffalo for repairing the asphalt pavement on Richmond avenue, Fillmore avenue and Best Street square, in the city of Buffalo, and for laying tile drain in any or all of said streets, avenues or Best street square,

be and the same are hereby legalized, ratified and confirmed, and the said board of park commissioners of the city of Buffalo are authorized to allow and pay for the work by them contracted to be done in making such repairs and laying such drains, out of the fund appropriated by the city of Buffalo for park purposes and expenses. Payment for work.

§ 2. This act shall take effect immediately.

Chap. 272.

AN ACT to provide for the annexation of a portion of the town of Wawarsing, in the county of Ulster and State of New York, to the village of Ellenville.

BECAME a law April 10, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All that part of the town of Wawarsing, in the county of Ulster and State of New York within the following limits, to wit: Beginning at the most southerly corner of the old (or present) corporate bounds of Ellenville, New York, on the west side of the Shawangunk mountains and runs thence south forty-two degrees west three hundred and thirty-four feet seven inches to a heap of stones on the proposed new bounds of said village; thence north thirty-eight degrees forty minutes west eight thousand one hundred and twenty-one feet to a stone wall on lands of Robert Bloomer; thence north forty-four degrees thirty minutes east to the most westerly corner of old (or present) corporation bounds; thence along the same south forty-five degrees east to the place of beginning, and also all that certain other piece or parcel of land to wit: Beginning at a point in Bloomer farm road seventeen feet southwest of a large hickory tree, and runs thence north forty-two degrees west four hundred and fifty feet; thence north forty-seven degrees twenty minutes east two thousand two hundred and fifty-one feet to a stone marked with a cross on lands of George Godey; thence north eighty-two degrees forty-five minutes east two thousand five hundred and seventy-four feet to Budd line; thence south forty-two degrees eight minutes east six thousand five hundred and seventy-three feet to a stone on or near Anna Beck line; thence Territory annexed to village.

South forty-two degrees west to corner near the most easterly corner of old (or present) corporation bounds; thence along the same north forty-six degrees west to the elm tree on line of Newton Lefever; thence north sixty-five degrees west four hundred and sixty-two feet north, fifty degrees west five hundred and eleven and one-half feet south, seventy-three and one-half degrees west three hundred and thirty-three feet eleven and one-half inches south, sixty-seven and one-half degrees west one hundred and seventy-four and eleven-twelfths feet north, forty-six degrees west two thousand six hundred and seventy-three feet south, two degrees west seven hundred and sixty-five and seven-twelfths feet north, sixty-one degrees thirty-one minutes west seven hundred and forty-five and nine-twelfths feet south, thirty-nine degrees west one thousand fifty-six feet to the place of beginning, with the inhabitants and estates therein, is hereby annexed to and made a part of said village of Ellenville, subject to the same laws, ordinances, regulations, obligations and liabilities, and entitled to the same rights, privileges, franchises and immunities in every respect and to the same extent as if such territory had been included within said village at the time of the grant and adoption of the charter and organization thereof and had so remained up to the passage of this act.

Subject to laws, etc.

Territory a part of village road district.

Maintenance and repair of bridges.

§ 2. The territory hereby annexed shall be exempt from the jurisdiction and control of the commissioner of highways of the town of Wawarsing and the same annexed to and made a part of the road district of the village of Ellenville, and be under the control of the board of trustees and street commissioner of said village in all respects as the roads, streets and highways in said village now are, except that all the bridges now constructed or hereafter built across any of the streams of water in the territory hereby annexed shall be maintained, built and kept in repair at the expense of the town of Wawarsing, and the maintenance, erecting and repair of said bridges shall be under the direction, control and jurisdiction of the commissioners of highways of the town of Wawarsing in the same manner as other bridges are in said town.

§ 3. This act shall take effect immediately.

Chap. 275.

AN ACT to release from taxes heretofore levied on certain real estate of the university of the city of New York in the twenty-fourth ward of the city of New York.

Accepted by the city.

BECAME a law April 10, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real estate in the city of New York between Sedgwick avenue, University avenue and Andrews avenue, owned and occupied by the university of the city of New York for educational purposes, and designated on the map of the tax commissioners of the said city as lot one in block two hundred and thirty-four, lot one in block two hundred and thirty-five, lot sixty-one in block two hundred and forty-nine and lot twenty-four in block two hundred and fifty in the twenty-fourth ward of the city of New York, is hereby released and discharged from all taxes heretofore levied and assessed thereon and now unpaid for the years eighteen hundred and ninety-two and eighteen hundred and ninety-three; and the comptroller of the said city is hereby authorized to cancel the said taxes upon the said property upon the tax books of the said city.

§ 2. This act shall take effect immediately.

Chap. 277.

AN ACT to amend chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, relative to the city of Troy, and the act amendatory thereof, known as chapter five hundred and seventy-five of the laws of eighteen hundred and ninety-three.

Accepted by the city.

BECAME a law April 10, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of title two, of chapter six hundred and seventy of the laws of eighteen hundred and ninety-two is hereby amended so as to read as follows:

Mayor, his election and term of office.

Qualifications and oath.

Annual and special messages.

Chief executive officer.

Investigations.

Suspension of officers.

Hearing thereon.

Removal of officers.

§ 2. There shall be a mayor of the city of Troy. He shall be elected at the charter election held in said city on the Tuesday succeeding the first Monday of November, eighteen hundred and ninety-five, and every two years thereafter. The term of office of the mayor of said city shall be two years commencing on the first day of January next succeeding his election. The term of the present incumbent of the office of mayor is hereby abridged so as to expire at the end of the thirty-first day of December, eighteen hundred and ninety-five. The mayor shall be a citizen of the United States, and an elector of the city of Troy. Before entering upon the duties of his office he shall take the usual oath of office, to be administered by any person authorized to administer oaths. It shall be the duty of the mayor to communicate to the common council, at least once in each year, and oftener, if deemed expedient, a general statement of the condition of the city in relation to its government, finances and improvements; to recommend the adoption of such measures as he may deem expedient for the security, health, cleanliness, improvement and welfare of the city; to be vigilant and active in causing the laws and ordinances of the city to be duly executed; and he shall be the chief executive officer of the city, and he shall see that the duties of the various officers are faithfully performed. He shall have power to investigate their acts, and shall have access to all books, bills and papers in their offices; he may examine them and their clerks and subordinates under oath, and it shall be their duty to submit to such examination. He shall have power to suspend any officer elected, appointed or confirmed under the provisions of this act, or any other acts relating to said city or its departments, except the members of the common council, the inspectors and poll clerks of election, the police commissioners, the justices of the justices' court, and the police and assistant police magistrates; such suspension shall be only for misconduct in office or neglect of duty, and shall be based on charges in writing a copy of which, and of the order of suspension, shall be served on the officer complained of; he shall, within ten days after such suspension, convene the common council, of which he shall be the presiding officer, and the said common council, so constituted, shall have power to hear and determine the said charges and, if found to be true, to remove the said officer from his office by a vote of two-thirds of

the said common council so constituted; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity to be heard in his defense and to appear by counsel has been given him. If the officer is not removed by the vote aforesaid, he shall have the right to resume the functions of his office. The mayor shall, within the city, maintain peace and good order, and enforce the laws and ordinances. He shall have the custody of the seal of the city, and shall authenticate and sign all instruments, deeds and papers authorized to be authenticated and executed on behalf of said city. It shall be the duty of the mayor to select suitable and proper persons to fill the offices designated to be confirmed by the common council. Any persons so nominated by the mayor to fill any of the offices named and to be confirmed by the common council under the provisions of this act shall be deemed to be confirmed from the date of said nomination, unless within ten days after said nomination shall be submitted to the common council that body shall, by vote of two-thirds of all the members elected, reject the said nomination, and so notify the mayor of such rejection. The mayor may call special meetings of the common council. Every proceeding, ordinance and resolution of the common council, except resolutions making or approving appointments to office or place as herein provided, designating the official newspapers or determining the rules of its own proceedings, or the qualifications of its members, shall be presented to the mayor before it shall be enforced. If he shall approve it he shall sign it, but if he shall not approve it, he shall return it, with his objections, to the common council, which shall proceed to consider it. If, after such consideration, two-thirds of the whole number of the common council shall agree to pass the ordinance or resolution, it shall then be a binding ordinance or resolution; in such case, the votes of the common council shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal. Every proceeding, ordinance or resolution which the mayor shall not so return to the city clerk within ten days after its receipt by him, shall take effect as if it had been approved. All bills, resolutions or ordinances passed by the common council appropriating money, which shall receive the approval of the mayor, shall immediately be certified by him to the comptroller of the

General
duties.Nominations and
confirmation of officers.Calling
meetings.Approval or dis-
approval of
ordinances,
etc.Passage
thereof
over vote.Not re-
turned to
take effect.Bills certi-
fied to
comptroller.

**Vacancy
in office.**

city. Whenever a vacancy shall occur in the office of mayor by death, resignation or removal from office, it shall be the duty of the common council forthwith to elect by ballot, by a two-third vote of all the elected members of the said common council, a person qualified as such as aforesaid to serve as mayor, who shall continue in office until his successor shall have been duly elected and qualified. The mayor shall receive an annual salary of twenty-five hundred dollars, payable monthly. He may be removed by the governor for malfeasance in office in the same manner as provided by law in the case of sheriffs.

Salary.

**Removal
for cause.**

§ 2. Section eleven of title two of said chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, as amended by section four of chapter five hundred and seventy-five of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

**Justices'
court.**

§ 11. There shall be a justices' court in the city of Troy, which shall consist of two justices, who shall be known and shall be the justices of the justices' court of the city of Troy. The said justices shall severally be officers of the city of Troy and shall be elected at the charter election held in said city on the Tuesday succeeding the first Monday of November, eighteen hundred and ninety-five and at the charter election held in said city in every second year thereafter. The two persons receiving the largest number of votes shall be declared duly elected and shall be the justices of the justices' court of the city of Troy. The term of office of such justices hereafter elected shall be two years, except as hereinafter provided. The term of office of the present incumbents elected as justices of the justices' court of the city of Troy at the charter election held in said city on the first Tuesday of March, eighteen hundred and ninety-two, is hereby extended to and including the last day of December, eighteen hundred and ninety-five, and the present incumbents of said office shall continue to exercise the powers and discharge the duties of said office until said last-named date. No person shall be eligible to the office of justice of the justices' court of the city of Troy who is not an elector of said city and who is not an attorney and counselor at law admitted to practice in the courts of record of this State and of at least three years' standing. The persons elected or appointed justices of the justices' court of the city of Troy shall each receive an annual salary of twelve hun-

**Election of
justices.**

**Term of
office.**

**Eligibility
to office.**

Salary.

dred dollars, payable in monthly installments, and which shall be in full for all services rendered by them or in said court.

§ 3. Section one of title three of said chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

§ 1. The legislative powers of the city of Troy shall be vested in the common council, which body shall consist of two aldermen from each ward. The term of office of aldermen shall be two years. The aldermen shall be elected at the charter election held in said city on the Tuesday succeeding the first Monday of November, eighteen hundred and ninety-five, and every two years thereafter. The term of office of aldermen elected at any such election shall commence on the first day of January next succeeding their election. The term of office of the aldermen who were elected at the charter election held in said city on the first Tuesday of March, eighteen hundred and ninety-three, is hereby extended to and including the last day of December, eighteen hundred and ninety-five, and the term of office of the aldermen who were elected at the charter election held in said city on the first Tuesday of March, eighteen hundred and ninety-four, is hereby abridged so as to expire at the end of the thirty-first day of December, eighteen hundred and ninety-five. The present incumbents of the office of aldermen shall continue to exercise the powers and discharge the duties appertaining to their office until and including the last day of December, eighteen hundred and ninety-five, and they and their successors who may be elected to fill any vacancy, shall constitute the common council of said city until the said last-named day. Hereafter no member of the common council shall, while he holds the office of alderman, be eligible to election or appointment to the office of police commissioner, charity commissioner, fire commissioner, water commissioner, park commissioner or general assessor in said city, and the election or appointment of any such alderman to any such office shall be null and void.

Common
council.

Election
and terms
of alder-
men.

Ineligibility
to office.

§ 4. Section four of title three of said chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

§ 4. The members of the common council shall meet in the common council chamber in the city hall in said city on the second Tuesday of March, eighteen hundred and ninety-five, at which

Organiza-
tion of
council in
1895.

Annual
meeting
thereafter.

time a president shall be elected from among their number. The annual meeting of said common council thereafter, shall be held on the Tuesday succeeding the first Monday of January in each year. At such meeting the members shall elect a president from among their number. At the annual meeting succeeding the election of the members of the common council, the newly elected members shall convene and take and subscribe the oath of office required by law. The common council shall keep a journal of their proceedings which shall at all times be open for public inspection.

Journal of
proceed-
ings.

Powers of
counsel.

§ 5. Subdivisions five and twenty-seven of section six of title three of said chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, are hereby amended so as to read, respectively, as follows:

Opening of
street sur-
faces.

5. To regulate and control the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and sewer laterals, the erection of gas and electric lamps, and the placing of pipes, mains and conduits for any purpose underneath the surface of the streets and to direct and provide that no person or corporation shall make any opening or excavation in or through any public street without making application for and obtaining permission so to do from some public board or officer and that such person or corporation may be required, before obtaining such permit to make deposit with some public board or officer of said city of a sum of money sufficient to secure the restoration of the street to a proper condition or reimburse the city in case such work shall be done by the city.

Precaution-
ary meas-
ures
against
fires.

27. To regulate or prevent the construction of any fire-place, hearth, chimney, oven, boiler, or apparatus in any building or manufactory which may be extra dangerous in causing or promoting fires; and to regulate and restrain to limited quantities, the storage of any article or substance which may be extra dangerous in causing or promoting fires, or which is of an explosive character; and to require the owners, lessees or occupants of hotels, factories, manufacturing establishments, stores and shops which are three stories or upwards in height, to erect and maintain in suitable and safe condition and in sufficient numbers, fire-escapes to facilitate the exit of persons from such buildings in case of fire.

§ 6. Section thirteen of title seven of said chapter six hundred

and seventy of the laws of eighteen hundred and ninety-two, as amended by section thirteen of chapter five hundred and seventy-five of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

§ 13. The purchaser or purchasers at such sale shall pay the amount of their respective bids to the chamberlain, within forty-eight hours after the sale; and, in case they or either of them neglect or refuse to pay their bids, the chamberlain may, in his discretion, resell the said real estate at an adjourned sale, or execute his certificate to such persons as will take the same and pay the sum bid or may maintain an action against the purchaser for the sum bid, and interest thereon at ten per centum per annum. After such payment shall have been made, the said chamberlain shall deliver to the purchaser or purchasers of any such real estate a certificate in writing, duly signed by him, describing the real estate purchased, the sum paid, and the time at which the purchaser shall be entitled to a deed, and that such deed shall vest in the grantee an absolute estate for the term of years mentioned therein, subject to the lien of prior taxes and of any assessment for any improvements made in the city of Troy, and to all claims which the people of the State may have thereon for other taxes or liens or incumbrances; and the chamberlain shall retain duplicates of all certificates of the sale of real estate issued by him. The comptroller of the city of Troy, shall, in default of bidders at any such tax sale as aforesaid, bid in and purchase the real estate so sold by the chamberlain, in the name of and for the benefit of the city of Troy, and shall take certificates for such purchases on behalf of said city. The taxes, water rents and assessments referred to in any certificates heretofore issued to said city, or which shall hereafter be issued to said city, together with all interest and percentages which shall become due thereon shall continue and be a lien against the real estate described in the said certificates respectively, until they are fully paid. If any of such certificates shall remain outstanding upwards of two years, the comptroller may cause the same to be recorded in the clerk's office of the county of Rensselaer. He shall, also, at least, once in every three years cause to be published twice in the official newspapers in said city, a statement showing what property is affected by such certificates as have been outstanding upwards

Payment
of bids at
tax sales.

Certificate
to pur-
chasers.

Purchaser
for city.

Lien of
taxes and
assess-
ments.

Record of
outstand-
ing certifi-
cates.

Statement
as to prop-
erty affect-
ed and un-
paid taxes
thereon.

of three years, together with the amount of taxes, water rents or assessments thereon which is then due. He shall also cause to be made out and transmitted by mail to the then owners of such property, so far as he can ascertain the names from the books of the general assessors, a statement of such unpaid taxes, water rents and assessments, together with a copy of this section printed therein. Upon the application of any person interested, the contracting board of said city may adjust and settle the amount due upon any such certificate which is owned by the city, and which was issued prior to eighteen hundred and eighty-five, by the payment of the tax, water rents and assessments due at the time of sale and for which the property was sold, together with interest thereon at a rate of not less than four per cent. per annum from the time of sale, and also the advertising charges and, upon such payment, the chamberlain shall cancel any such certificate.

Settlement
of amounts
due on cer-
tificates.

§ 7. Section fourteen of title seven of said chapter six hundred and seventy of the laws of eighteen hundred and ninety-two is hereby amended so as to read as follows:

§ 14. The owners of such real estate, and all persons interested therein, may, at any time within two years of said sale, redeem the said real estate by paying to said chamberlain the sum bid for the same, with ten per centum per annum of interest thereon, from the time of sale, or may redeem any part thereof by paying a like proportional part of the charges thereon. In case of any disagreement between the parties interested as to what sum would be a like proportional part of the charges upon such real estate for the purpose of redeeming the same, or upon the application of any interested person, the general assessors of said city shall notify, either personally or by mail, the parties interested so far as they are informed of or can ascertain their names, of the pendency of the matter before them and shall give such persons an opportunity to be heard, and such assessors shall then examine into the matter and shall then determine and certify in writing, under their hands, or the hands of a majority of them, what would be a fair proportional part of the charges to pay for the redemption of any part of such real estate. Such certificate shall be filed with the chamberlain and upon the payment of the sum so certified the said real estate, or any part thereof, shall be considered as redeemed and the chamberlain shall cause the

Redemp-
tion of real
estate.

proper entries to be made in the matter. In case real estate shall be assessed as one parcel and separate parcels thereof shall become the property of different owners, or be purchased at judicial sale by different persons, taxes, water rents and assessments may be apportioned to the several parcels by the general assessors on a like hearing as provided in this section for the redemption of lands sold for taxes, and, upon payment of the amount apportioned to any parcel on such hearing the same shall be discharged of all lien, for such taxes, water rents and assessments for local improvements and the remaining part of the real estate so assessed shall be liable for the unpaid portion of such taxes, water rents and assessments, and payment thereof may be enforced against such remaining part.

Apportionment of unpaid taxes, etc., on parts of land.

Remainder liable for unpaid portion.

§ 8. Section one of title eight of chapter six hundred and seventy of the laws of eighteen hundred and ninety-two is hereby amended so as to read as follows:

§ 1. The election hereafter to be held in the several wards of the city of Troy for the election of charter and ward officers of said city, shall be held on the Tuesday succeeding the first Monday in November, eighteen hundred and ninety-five, and on that day in every second year thereafter.

Annual city election.

§ 9. Section seven of title ten of said chapter six hundred and seventy is hereby amended so as to read as follows:

§ 7. No account, claim or bill (except for salaries of public officers) shall be audited by the common council, or any of the departments, or officers of the city of Troy, or by the board of health in said city, for any services, supplies, materials or disbursements, unless the same shall be made out in items and also stating the dates when the said services, supplies, materials or disbursements were performed, furnished or paid and accompanied with an affidavit attached to said account, claim or bill made by the person presenting the same that the items thereof are correct and that the services, supplies, materials or disbursements charged therein have been in fact performed, furnished or made, as the case may be. Nothing in this act contained shall be construed to prevent the common council or any of said departments, or officers or board of health from disallowing any such claim or bill, in whole or in part when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof as such common council, department, officer, or

Audit of claims and accounts.

Restriction
as to
payment.

Violation of
provisions.

Proviso as
to audit of
salaries of
officers.

Verifica-
tion of ac-
counts for
salaries.

Payment of
certain
wages, etc.,
upon pay
rolls.

board of health may think proper; and such power is hereby conferred. Any willful false swearing in said affidavit, or before said common council, department, officer, or board of health is hereby declared to be perjury; nor shall any such account, claim or bill, when so verified, be paid by the chamberlain of said city, unless the verified bill or account be a part of or attached to the audit or warrant therefor, and filed in the office of the said chamberlain. Any violation of any of the provisions of this section by any such officer, or by any member of the common council, or by any member or head of such department, shall be deemed a misdemeanor and punishable as such and shall also be deemed malfeasance in office. But nothing in this section shall be held to prohibit the police commissioners, the school commissioners, the fire commissioners and the water commissioners in said city from auditing the regular salaries or stated compensation of the officers or employes of their respective departments, without the same being verified, nor the comptroller from countersigning drafts drawn in favor of such officers or employes for such salaries or compensation, when so audited; but the accounts or drafts for such salaries or compensation, when so audited and countersigned, must be verified by the claimants thereof, as in this section required, before they are paid by the chamberlain; and any willful false swearing or affirmation to any such draft or account by any claimant is hereby declared to be perjury. The wages and salaries of the officers and employes of the boards of police, school, fire and water commissioners, respectively, and also the amounts due to such persons as may enter into contracts with the contracting board of said city for the cleaning of the public streets and the removal of refuse, garbage and ashes from said city, may be paid upon pay rolls, upon which shall be stated the amount due to each person separately and to which each person shall separately attach his signature and, in such cases, the draft or warrant for the aggregate wages, salaries and amounts included therein, may be made payable to the superintendent, captain, clerk, principal teacher, foreman, or other officer or person, as the case may be, designated in the pay roll for that purpose and who shall be considered as the agent of the persons signing said pay roll to receive the sums respectively due to such persons.

§ 10. This act shall take effect immediately.

Chap. 278.

AN ACT to amend sections one and two of title four of chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, relative to public and local improvements and assessments therefor in the city of Troy.

Accepted by the city.

BECAME a law April 10, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title four of chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows :

§ 1. Public and local improvements and assessments there-
for.—The common council shall have power, under the restric-
tions and limitations contained in this act, to cause streets to
be opened, extended, altered and widened, to be regulated,
graded and paved; to be kept in repair; and, from time to time,
to be repaved, or regraded and repaved; to provide that lamp-
posts and lamps be erected; to cause sidewalks, cross-walks,
sewers, cesspools, culverts, drains, wells and pumps to be con-
structed and repaired, and generally to direct such other,
improvements, to be made in and about the streets, as the pub-
lic wants and convenience shall require. Whenever the said
common council shall order any street, which is forty feet or
upwards in width, to be paved or macadamized, and new curb-
stones to be set in connection with such pavements, one-half of
the expense of such pavement, macadamizing and curbstone
(including the pavement, macadamizing and cross-walks at the
intersections of streets), shall be charged upon the real and
personal property liable to taxation in the city of Troy, and
shall be paid by the city at large, and the other half of such
expense shall be assessed and be a lien upon the property
benefited or to be benefited thereby, as provided in this act.
But no block, or part of any such street, shall be paved or
macadamized, and curb set, as above authorized, unless the
property along the same has facilities for sewerage and drain-
age, by means of access direct to the Hudson river, or by means
of a public sewer constructed in such block or part of a street,

Charter amended.

Powers of council as to improvements.

Expense of paving streets forty feet and upwards wide.

Sewerage facilities and water mains before paving, etc.

or in the street, avenue, highway or alley immediately in rear of the property on each side of the street, avenue or highway which it is proposed to pave or macadamize; or by means of a public sewer in a street intersecting the one which it is proposed to pave or macadamize, and with which, in the judgment of the city engineer, the property has or may obtain sufficient connections and facilities for sewerage; nor shall any block or part of such street be paved or macadamized, as above authorized, unless the public water mains are laid therein, or in the street, avenue, highway or alley immediately in rear of the property on each side of the block or part of a street which it is proposed to pave or macadamize; and, hereafter, in the extension and laying of water-mains in the public streets, it shall be the duty of the board of water commissioners of said city to furnish and extend lateral pipes of proper size from such mains to the inside of the curb line of each lot or tract of land along the line of such water-mains; the expense of such lateral pipes shall be a charge and lien upon the respective lots and tracts of land in front of which they shall be laid; and it shall be added to the water rents charged and assessed upon such lots and tracts of land by the said board of water commissioners pursuant to existing laws, and shall be enforced and collected in the same manner as the water rents are enforced and collected in said city. Whenever the said common council shall order a sewer of three feet or upwards in diameter to be constructed in any public street, one-half of the expense of such sewer shall be charged upon the real and personal property liable to taxation in the city of Troy, and shall be paid by the city at large, and the other half of such expense shall be assessed and be a lien upon the property benefited or to be benefited thereby, as provided in this act; but whenever the common council shall order any sewer to be constructed, in any public street in said city, such sewer must be built in conformity with the plans for the same, as to location, size, course, grade, depth and materials, which have been established and adopted by the public improvements commission. In constructing any such sewer, lateral pipes of proper size shall be laid therefrom to the inside of the curb line in front of each lot or tract of land along the line of the sewer; the entire expense of such lateral pipes shall be a charge and lien upon the property imme-

Lateral
pipes from
water
mains.

Expense of
sewers of
three feet
and up-
wards.

Lateral
pipes there-
from.

diately benefited thereby, and shall be assessed as provided in this act. The city of Troy shall not expend, or contract to be expended, on its part, for any such pavements, macadamizing, curbing, or sewers above provided for, in the expenses of which the city is to share, a larger sum than five hundred and thirty-five thousand dollars, including what has been expended under the act hereby amended. Whenever any improvements, repairs or alterations shall be made to the sidewalks, including the stone curb and gutters thereto (except when stone curb is set with new pavement), fronting any of the lots or parcels of land along any of the streets now in use or hereafter to be opened and used in said city, such work shall be done entirely at the expense of the property benefited thereby, which expense shall be apportioned and assessed as provided in this act. All other work and improvements, which the common council is authorized to direct under the provisions of this section, shall be done at the expense of the property benefited or to be benefited thereby, except as otherwise provided in title six of this act, and such expense shall be apportioned and assessed as provided in this act. All assessments under this act shall be apportioned, levied and collected according to the provisions of this act. Whenever any such improvements, repairs and alterations shall be ordered by the common council it shall be the duty of the contracting board in said city to cause proposals to be invited for the doing of the work and to award and enter into contracts therefor, as provided in this act. But when such improvements shall consist of the laying of new pavement and curbstone thereto, macadamizing, or the construction of sewers, the city engineer shall prepare detailed specifications for the work, and the said board shall, ten days prior to the letting of the work, advertise for proposals therefor; such advertisement shall be inserted in the newspapers designated by said board, pursuant to this act, for the publication of notices emanating from said board, and it shall state a time when, and a place, where, the proposals will be received, publicly opened and officially declared by said board. Every proposal submitted for such work must be in writing, signed by the bidder, and must be accompanied by a certified check, made payable to the order of the chamberlain of said city, for five per centum of the amount of

Limitation
of expendi-
tures for
paving and
sewers.

Improve-
ment at
expense of
property
benefitted.

Assess-
ments.

Duty of
contracting
board.

Specifi-
cations for
work.

Proposals.

Deposits
by bidders.

the proposal, which check shall be considered as a guaranty that the bidder will enter into the proposed contract if it is awarded to him, and in case of his refusal or neglect to do so he shall forfeit such check to the said city as liquidated damages. Upon the said bidder entering into contract, if awarded, and furnishing sureties as herein provided, the said check shall be returned to him; and the checks of all unsuccessful bidders shall be returned to them on the letting of said contract. All proposals shall be publicly opened at the time and place advertised and the amounts thereof then and there declared, and all contracts shall be awarded only at public session of the contracting board. But in the event of the failure of the said board to meet at the advertised time and place, or within one hour thereafter, the bidders may withdraw their proposals and present the same at the next stated meeting of the said board, and the same action shall thereupon be had in reference thereto that would have been taken at the advertised time and place if a meeting of said board had then been held. All contracts for any such pavement, curbstone, macadamizing or sewers shall be let to the lowest bidders therefor, unless in the judgment of the contracting board the value of the work for which the proposals have been advertised is less than the proposals of the lowest bidder, in which event all the proposals shall be rejected, and the said board shall immediately readvertise for new proposals; but no proposal for such work shall be accepted that is not lower than all previous proposals therefor which were rejected. Every contract entered into for any of such last mentioned improvements must be accompanied by a good and sufficient bond, in the amount of the contract, signed by the contractor, and also two or more sureties, which sureties shall be freeholders residing within the State of New York, conditioned for the faithful performance of the work on the part of the contractor and his compliance with the terms and conditions of such contract and of the specifications for such work; such sureties must justify, in the aggregate, in an amount equal to that of the contract price. Whenever the common council shall order any street to be paved other than with granite blocks, the contracting board in said city may provide in the specifications for such work that the contractor shall guarantee the pavement and shall agree to keep it in repair for a period to be specified by said board, as a part of the cost of the work, and to secure

Opening of
proposals
and letting
of con-
tracts.

Contract-
or's bond.

Guarantee
of pave-
ment.

such guarantee the said board may retain on behalf of the city a portion of the contract-price of the entire work, or may exact a bond or bonds for the fulfillment of such guaranty, or both; and said board is hereby authorized to enter into such contracts; and any such contracts heretofore entered into, which provided for the retention of such moneys and the giving of security, shall be treated as valid and effectual. It shall be the duty of the common council to enact and promulgate an ordinance requiring the owners of property along every street in said city in which a public sewer exists to make proper connections by pipes between such sewer and the buildings or vaults on such property, and shall provide in such ordinance for the due enforcement thereof and for the punishment of persons guilty of neglect to comply therewith by such penalty, fine or imprisonment, or both, as the said common council is authorized by existing laws to impose and enact in the ordinances that may be adopted by that body. Whenever the common council shall order any street to be paved, and a public sewer exists in such street, it shall be the duty of the contracting board to cause to be constructed a lateral pipe or pipes of proper size from such sewer to the inside of the curb line, fronting each lot or tract of land along the line of the sewer, where such laterals are not already laid, and the entire expense thereof shall be a lien on the property immediately benefited, and shall be assessed as provided in this act. It shall also be the duty of the board of water commissioners in said city, before any such pavement shall be laid, forthwith to lay lateral pipe or pipes of proper size from the public water mains in said street to the inside of the curb line fronting each lot or tract of land along the line of the same, where such laterals are not already laid, and the entire expense of such laterals shall be a lien upon the lots or tracts of land in front of which they shall be respectively laid, and shall be added to the water rents charged and assessed by the board of water commissioners, pursuant to existing laws, and shall be enforced and collected in the same manner as the water rents are enforced and collected in said city. The contracting board shall not have power to enter into contract for any work authorized by this section, and the carrying out of which involves the making of an assessment on the property to be benefited, as provided in this act, unless such contract shall be made within one year after the work was ordered

Ordinances
as to
sewer con-
nections.

Lateral
sewer pipes
on certain
streets.

Lateral
pipes from
water
mains.

Restriction
as to letting
of con-
tracts.

Proviso as
to agree-
ments with
corporations.

by the common council. Nothing herein contained shall be held to repeal, modify or affect the conditions, terms or obligations of any ordinance, contract or license between the city of Troy and any corporation, whereby any such corporation is required or has agreed to pay any portion of the expense of repairing, paving or grading any public streets in said city, or to deprive the said city of any of the benefits thereof. No part of the moneys herein authorized to be expended or contracted to be expended upon the part of the city shall be so expended or contracted to be expended until after the paving of Pawling avenue in said city from the stone bridge to Myrtle avenue shall have been duly ordered and contracted for under the provisions of this act.

Paving of
avenue to
be ordered,
etc., before
expedi-
ture of
moneys.

§ 2. Section two of title four of said chapter six hundred and seventy is hereby amended so as to read as follows:

Apportion-
ment of ex-
pense of im-
provements.

§ 2. Whenever any improvement mentioned in the preceding section shall be ordered, and shall be contracted for by the contracting board, the said board shall certify that fact, and the contract price to the local assessors, and thereupon the expense of the same shall be apportioned and charged upon the property benefited thereby by the comptroller, the chamberlain and the city engineer, who, by virtue of their offices, shall be the local assessors of said city. The said assessors shall make a list of said apportionment, in which they shall state the names of the persons or corporations owning the property chargeable with the expense of said improvement, if such names shall be known to them; if not known to them it shall be charged against owners unknown; also a description of the property, which, if it be a lot or parcel, shall be sufficient if it refers to the number or letter of the lot or parcel as it is laid down on any map of said city, or any part thereof, and the street where situated; also the amount chargeable to each lot or parcel, or other property, as the case may be, or a part of a lot; which list, when the improvement shall cost a sum exceeding five hundred dollars, shall be accompanied by a map or diagram of all the property intended to be benefited by such improvement, and shall, when so completed, be filed with said map or diagram in the office of the comptroller, where it shall be open to the inspection of any person affected by said improvement for the space of twenty days. It shall be the duty of said comptroller, within ten days after such filing, to cause a notice to be served upon the persons named in

Duty of
assessors.

Notice of
hearing
persons
aggrieved.

said list, either personally or by mail, directed to their reputed places of residence if known to said assessors, stating the time when, and the place where the persons feeling themselves aggrieved with such apportionment will be heard for the purpose of equalizing, correcting and making such alterations in such apportionment by increasing or diminishing the amount apportioned to each of the said persons named in the said list; such notice shall also contain a copy of the resolution or ordinance of the common council directing such improvement, and shall give the amount which is charged to the person served with such notice; and if the places of residence of any of the persons named in said list are not known to the said assessors, then such notice, addressed to owners unknown, shall be served as to them by affixing the same either on the outward door of the courthouse or of the city hall, or on a bill board at either one of said places; the time for such hearing shall be on a day subsequent to the expiration of the twenty days from the filing of said list as above provided. Said hearings may be adjourned from day to day, not exceeding ten days. At the time and place for hearing mentioned in said notice it shall be the duty of the aforesaid assessors to hear any person interested in said assessment and feeling themselves aggrieved; and after such hearing, and duly considering the objections, suggestions and arguments for and against said apportionment, it shall be their duty to equalize, correct and alter said apportionment when improperly, unfairly or erroneously applied by increasing or diminishing the respective amounts as to them shall seem just and proper; which equalization, correction or alteration, when so made by said assessors, increasing or diminishing the amount charged to any person named in said list of apportionment, shall be final and conclusive in the premises; and thereupon the said assessors shall confirm their assessment and shall sign the same in the form of a report, and certify the same to the comptroller.

Hearings
and pro-
ceedings
thereupon.

Corrected
apportion-
ment final.

Confirma-
tion.

§ 3. All acts and parts of acts inconsistent with or repugnant to this act and chapter six hundred and ninety-four of the laws of eighteen hundred and ninety-two are hereby repealed.

Repeal.

§ 4. This act shall take effect immediately.

Chap. 279.

AN ACT to amend chapter three hundred and thirty-five of the laws of eighteen hundred and eighty-two, entitled "An act to amend and consolidate the several acts relating to the village of Perry, in the county of Wyoming."

BECAME a law April 10, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Charter
amended.**

Section 1. Section one of title one of chapter three hundred and thirty-five of the laws of eighteen hundred and eighty-two, entitled "An act to amend and consolidate the several acts relating to the village of Perry, in the county of Wyoming," is hereby amended to read as follows:

**Village
boundaries.**

§ 1. The territory within the following limits in the towns of Perry and Castile, Wyoming county, New York, shall constitute the village of Perry, to wit: Commencing at the point where the southwest corner of lands owned by Horace A. Brigham intersects the town line between the said towns of Perry and Castile, and running thence northeasterly in a direct course, so near as may be to a point in the center of the highway two rods northeast of the late residence of Peter W. Tinkham, deceased; thence northwesterly, and in a direct course, so near as may be to a point in the highway two rods north of the dwelling-house on the farm occupied by Emma Armstrong; thence westerly and in a direct course, so near as may be, to the southeast corner of lands now owned by the heirs of David Nevins, deceased; thence west to the west line of lot number thirty of William Shepard's subdivision, on the Ogden tract; thence south on the west line of said lot number thirty, and of lot number forty-three of said subdivision, to the town line between the towns of Perry and Castile; thence west along said town line to the west line of said lot number forty-three; thence south along said west line of said lot number forty-three to the south line of said lot number forty-three; thence east along the south line of said lot number forty-three, and the south line of lot number forty-two of said subdivision, to the southeast corner of said lot number forty-two; thence north along the east line of said lot number forty-two to the northwest corner of lands

owned by Lewis A. Macomber; thence northeasterly in a direct line so near as may be to the place of beginning; and the citizens of this State from time to time inhabitants therein, shall be a Corporation by the name of "the village of Perry," and as such shall have the rights, powers and privileges conferred by the statutes of this State upon municipal corporations, as well as those conferred by this act.

§ 2. This act shall take effect immediately.

Chap. 280.

AN ACT relating to the South Country road in the towns of Islip and Babylon in the county of Suffolk.

BECAME a law April 10, 1865, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No steam, elevated, surface, electric or other rail-way shall be constructed upon, over or on the South Country road or any part thereof in the towns of Islip and Babylon, in the county of Suffolk, unless the consent of a majority of the owners of property in number and value thereof, bounded by said South Country road be first obtained in writing duly acknowledged as are deeds entitled to be recorded.

§ 2. This act shall take effect immediately.

Chap. 283.

AN ACT to amend chapter two hundred and fifty-three of the laws of eighteen hundred and eighty-nine, relating to the twenty-third regiment armory in the city of Brooklyn.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and fifty-three of the laws of eighteen hundred and eighty-nine is hereby amended so as to read as follows:

§ 2. The board of supervisors of Kings county, whenever a written notice shall be served upon its president by the aforesaid

Consent for
railways
upon road.

Act
amended.

Tax for
cost of
land grad-
ing, &c.,

commission, that such land has been contracted for or purchased, or the title thereto has been acquired as above directed, is hereby authorized and directed to appropriate the sum of one hundred and fifty thousand dollars, and to insert in the next succeeding tax budget of said county the amount of the purchase price or cost of such land, together with such sums as are necessary for the cost of acquiring said title and the grading, filling, excavating, draining, paving and fencing of said land and the equipping of the said armory when built with lockers and gun racks, not exceeding the aforesaid sum of one hundred and fifty thousand dollars, and such sum shall be raised by tax and paid over to the county treasurer of Kings county and shall be by him paid out upon the written requisition, signed by the several members of the aforesaid commission. And any balance of said sum of one hundred and fifty thousand dollars now remaining unexpended in the hands of the county treasurer of Kings county shall be paid out by him for any work and materials for said armory which may be deemed necessary by said commission, upon a like requisition.

Application
of unex-
pended
balance.

§ 2. This act shall take effect immediately.

Chap. 285.

AN ACT to authorize the supreme court of the State of New York to provide for leasing the premises known as number two thousand and nineteen Fifth avenue, New York city.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Court may
provide for
leasing
premises.

Section 1. Power is hereby conferred upon the supreme court of the state of New York to entertain a petition, and upon good cause shown in the judgment of said court, to enter, and to carry into effect, a decree providing that the real property known as number two thousand and nineteen Fifth avenue, in the city of New York, may be leased for a term of twenty-one years with the right of renewal at the option of the lessee for three successive periods of twenty-one years each. Provided that at the expiration of each of said periods of twenty-one years the annual rental of said premises for the next

Annual
rental upon
renewal of
lease.

period of twenty-one years shall be fixed by appraisal in such manner as said court by its decree shall provide; but such rental shall be for the ground only, and exclusive of the value of any building or buildings which the lessee may in the meantime have erected thereon. The lessee shall also pay the costs and other expense of the proceeding hereby authorized. Cost of proceedings.

§ 2. The court may, by reference or otherwise, inquire whether it is for the interest of all the parties interested as life tenants or in remainder or reversion in the said premises, that the same should be leased as above provided for. It shall have power by order to show cause to summon before it any persons interested in the said premises; to appoint special guardians or guardians ad litem, for such of them as may be infants, and to authorize the service of such order to show cause upon any of them, who are non-residents of the state of New York, by publication or substituted service, without the state of New York, in the manner provided by law for service of a summons upon a non-resident in an action for partition. Inquiry by court. Guardians. Service of order on non-residents.

§ 3. Such lease if ordered shall be at public auction, conducted by a referee to be appointed by the court, and the lease shall be awarded to such bidder as shall offer the highest annual rental for said premises. In addition to the payment of all taxes and assessments which may become a lien upon said premises during the term of said lease, or any renewal thereof, the court, in its discretion, may, before confirming the action of the referee in awarding such lease, require of the successful bidder security for the performance of the conditions of such lease until such time as performance thereof has been fully secured by the erection of buildings on the leased premises by the lessee, his successors or assigns. Sale and award of lease.

§ 4. From and after the completion of such lease, the rental arising therefrom and the reversion of said premises shall stand charged with the same trusts and upon the same conditions as the fee of said premises now stands, the intent of this act being simply to provide a way by which said premises may be made more productive, without otherwise affecting the right of any person now interested in the same. Rentals arising from lease.

§ 5. This act shall take effect immediately.

Chap. 290.

AN ACT to provide the means for the erection, furnishing and completion of buildings for school purposes in the city of Brooklyn by the issue of additional bonds of said city.

Accepted by the city.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
additional
school
building
bonds.

Section 1. The mayor and comptroller of the city of Brooklyn are hereby authorized to prepare and to issue bonds of the said city, to be called "school building bonds," signed, sealed and countersigned in the same manner as other bonds of the said city. During the year eighteen hundred and ninety-five there may be so issued of such bonds an amount in the aggregate not to exceed the sum of five hundred thousand dollars, at par value, and in the year eighteen hundred and ninety-six there may be so issued of such bonds an amount in the aggregate not to exceed the sum of five hundred thousand dollars, at par value; said amounts respectively being in addition to the amount already authorized to be issued in each of said years by the provisions of chapter one hundred and twenty-three of the laws of eighteen hundred and ninety-four, entitled "An act to authorize the erection, furnishing and completion of the buildings for school purposes in the city of Brooklyn, and to provide, by the issue of bonds, the means therefor." Said bonds shall be issued in such series and for such periods as may be determined upon by the mayor and comptroller of said city, and none of said bonds shall be sold at less than par value thereof. The proceeds received from the sale of said bonds shall be deposited in the treasury of said city, to the credit of the fund known as "the school building fund," and shall be paid out, from time to time, for the purposes and according to such restrictions, limitations and conditions as are provided in said chapter one hundred and twenty-three of the laws of eighteen hundred and ninety-four, in the same manner as if said issue of bonds had been authorized by and made under said last-mentioned act.

Disposition
of pro-
ceeds.

§ 2. This act shall take effect immediately.

Chap. 291.

AN ACT to authorize the erection of a monument of General Henry W. Slocum in the city of Brooklyn and the construction of a proper pedestal for a monument to General Ulysses S. Grant, and to provide for the payment therefor.

Accepted by the city.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mayor of the city of Brooklyn and the commissioner of parks of said city, and their successors, are hereby authorized to erect a monument of General Henry W. Slocum, in the city of Brooklyn, upon such plans and at such location as they may select, at an expense not to exceed the sum of thirty thousand dollars, and they are hereby further authorized to provide and construct a suitable pedestal with foundation, base and coping for the statue of General Ulysses S. Grant, upon the presentation of the same to the city of Brooklyn by the Union League Club of said city at an expense not to exceed ten thousand dollars.

§ 2. For the purpose of carrying out the provisions of section one of this act, the mayor and comptroller of said city are hereby authorized to issue bonds of the city of Brooklyn to be known as "memorial monument bonds," to be signed, sealed and countersigned as other bonds of said city. None of said bonds shall be sold at less than par, and they shall be issued in such series and be made payable at such times as said mayor and comptroller may determine. The proceeds from the sale of said bonds, including any premium which may be obtained thereon, shall be paid into the city treasury to be expended from time to time as may be required for the purposes of this act, upon the certification of said mayor.

§ 3. This act shall take effect immediately.

Chap. 292.

AN ACT to amend sections one, six, seven, ten, thirteen, twenty-two, twenty-three and sixty-one of title fourteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing, special and local laws affecting public interests in the city of Brooklyn," as said title is amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-four, relating to the building department of the city of Brooklyn.

Accepted by the city.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Sections one, six, seven, ten, thirteen, twenty-two, twenty-three and sixty-one of title fourteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," as said title is amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-four are hereby amended so as to read as follows:

Commissioner of buildings.

§ 1. The head of the department of buildings shall be the commissioner of buildings; he shall be a practical mason, carpenter or architect of at least ten years' experience; he shall have sole and exclusive control and management of all matters relating to the regulation and supervision of the erection, alteration, repair, demolition and removal of all buildings within the city of Brooklyn, and is charged with the execution of the provisions of this act relating to buildings, as hereinafter provided.

Inspectors, clerks and experts.

He shall appoint such inspectors, clerks, experts and such other subordinates as in his judgment may be necessary to carry out and enforce the provisions of this act, and fix their salaries; the inspectors of buildings shall be practical architects, civil engineers, masons or carpenters of at least ten years' experience; the inspectors of elevators shall be practical machinists; the experts shall be practical builders, architects or engineers, and competent to pass on all plans and questions relating to build-

ings of any kind. The commissioner shall have full power to ^{Revocation of permits and certificates of approval.} revoke and cancel any permit or certificate of approval granted by him in case the person or persons to whom the same is issued fails or neglects to comply with any of the provisions of this title, or of any law or ordinance relating to buildings in the city of Brooklyn.

§ 6. In buildings, where the space under the sidewalk is utilized, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the side, end or party walls of such buildings shall extend under the sidewalk, of sufficient thickness, to such walls. The roofs of all vaults shall be of incombustible material. If formed of brick or concrete arches, such arches must have at least one inch rise for every foot of span. Openings in the roofs of vaults for the admission of coal or light shall be covered with lights of glass in iron frames, or with iron covers having a rough surface, and rabbeted flush with the sidewalk; these lights shall not be more than four inches square. When ^{Vaults under sidewalks.} areas are covered, iron, or iron and glass combined, stone or other incombustible materials shall be used, and sufficient ^{Covering and protection of areas.} strength in such covering shall be provided to insure safety to persons walking on the same, and to carry the loads which may be placed thereon. Open areas shall be properly protected with suitable railings. All areas more than eight feet in depth below curb level must be covered.

§ 7. The party walls of dwelling houses not over twenty feet in width and forty-five feet in depth and thirty-five feet in height, if built of brick, may be eight inches in thickness, but no eight-inch bearing wall shall be built below curb level, and no front, side or rear wall shall be less than twelve inches in thickness. ^{Thickness of walls of dwellings and school-houses.} All buildings shall have front, rear and side walls. The walls of all dwelling-houses, whether called tenement-houses, apartment-houses, flats, hotels, or other buildings, which are to be used for residence purposes, twenty-six feet or less in width between bearing walls, and also the walls of school-houses, which are hereafter erected, or which may be altered to be used as herein specified, over thirty-five feet in height, and not over fifty feet in height, shall not be less than twelve inches thick above the foundation wall. No wall shall be built having a twelve-inch thick portion measuring vertically more than fifty feet, except nonbearing partition walls, sufficiently

supported by cross walls, in which case the twelve-inch thick portion may be built sixty feet above curb level. If over fifty feet in height, and not over sixty feet in height, the walls shall not be less than twelve inches thick above the level of the second tier of beams, and not less than sixteen inches thick in the first story. If over sixty feet in height, and not over seventy-five feet in height, the walls shall not be less than sixteen inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height, and from thence not less than twelve inches thick to the top. If over seventy-five feet in height, and not over eighty-five feet in height, the walls shall not be less than twenty inches thick to the height of twenty feet, or to the nearest tier of beams to that height, thence not less than sixteen inches thick to the height of sixty feet, or to the nearest tier of beams to that height, and from thence not less than twelve inches thick to the top. If over eighty-five feet in height, and not over one hundred feet in height, the walls shall not be less than twenty-four inches thick to the height of thirty-five feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height, and from thence not less than sixteen inches thick to the top. If over one hundred feet in height, and not over one hundred and fifteen feet in height, the walls shall not be less than twenty-eight inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height, thence not less than twenty-four inches thick to the height of fifty feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of ninety feet, or to the nearest tier of beams to that height, and from thence not less than sixteen inches thick to the top. If over one hundred and fifteen feet in height, each additional twenty-five feet in height or part thereof, next above the curb, shall be increased four inches in thickness, the upper one hundred and fifteen feet of wall remaining the same as specified for a wall of that height. All dwelling-houses erected under this section exceeding twenty-six feet in width must have brick partition walls. All nonbearing walls of buildings hereinbefore in this section specified may be four inches less in thickness; provided, however, that none are less than twelve inches thick, except as hereinafter specified. Eight-inch brick partition walls may be built to support the

Over 50 feet
in height.

Over 60 feet
in height.

Over 75 feet
in height.

Over 85 feet
in height.

Over 100
feet in
height.

Over 115
feet in
height.

Nonbearing
walls.

beams in such buildings in which the distance between the bearing walls is not over thirty-three feet, provided that no clear span is over twenty-six feet; but no such partition wall shall be built having an eight-inch thick portion measuring vertically more than fifty feet. This clause shall not be construed to prevent the use of iron or steel girders, or iron or steel girders and columns, or piers of masonry, for the support of the walls and ceilings over any room which has a clear span of more than twenty-six feet between walls, in such buildings as are not fireproof, nor to prevent the use of iron or steel girders and columns instead of brick partition walls, in fireproof buildings, for residences, constructed pursuant to the provisions of section fifteen. If the clear span is to be over twenty-six feet, then the bearing walls shall be increased four inches in thickness for every twelve and one-half feet, or part thereof, that said span is over twenty-six feet, or shall have instead of the increased thickness such piers or buttresses as in the judgment of the commissioner of buildings may be necessary.

§ 10. In all walls the same amount of materials may be used in piers or buttresses. Curtain walls may be made four inches less in thickness than is specified, respectively, for walls of dwellings and buildings other than dwellings, but no curtain walls shall be less than twelve inches thick. If any horizontal section through any part of any bearing wall in any building shows more than twenty-five per centum area of flues and openings, the said wall shall be increased four inches in thickness for every ten per centum, or fraction thereof, of flue or opening area in excess of twenty-five per centum. Every pier built of brick containing less than nine superficial feet at the base, supporting any beams, girders, arch or column on which a wall rests, or lintel spanning an opening over ten feet, and supporting a wall, shall, at intervals of not over thirty-six inches apart in height, have built into it a bond stone not less than four inches thick, or a cast-iron plate of sufficient strength and the full size of the piers. All piers shall be built of stone or good, hard, well-burnt brick, laid in cement mortar. For piers fronting on the street the bond stones may conform with the kind of stone used for the trimmings of the front. Isolated brick piers shall not exceed in height eight times their least dimensions. Cap stones of cut granite or blue stone, at least twelve inches thick by the full size

Brick partition walls.

Proviso as to use of iron or steel girders, and columns.

Curtain walls.

Increase in bearing walls for flues and openings.

Construction of piers.

of the pier, shall be set under all columns and girders. Stone posts for the support of posts or columns above shall not be used in the interior of any building. Where walls or piers are built of coursed stones with dressed level beds and vertical joints, the commissioner of buildings shall have the right to allow such walls or piers to be built of a less thickness than specified for brickwork, but in no case shall said walls or piers be less than three-quarters of the thickness provided for brickwork. All bearing walls faced with brick laid in running bond shall be four inches thicker than the walls are required to be under any section of this title. In all brick walls every sixth course shall be a heading course, except where walls are faced with brick in running bond, in which latter case every sixth course shall be bonded into the backing by cutting the course of the face brick, and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same with a continuous row headers. All stone used for the facing of any building and known as ashlar, shall not be less than four inches thick. Stone ashlar shall be anchored to the backing and the backing shall be of such thickness as to make the walls independent of the ashlar, conform as to the thickness with the requirements of this title relating to thickness of walls. Iron ashlar plates used in imitation of stone ashlar on the face of the wall shall be backed up with the same thickness of brickwork as stone ashlar. Walls heretofore built for or used as party-walls, whose thickness at the time of their erection was in accordance with the requirements of the then existing laws, but which are not in accordance with the requirements of this title, may be used, if in good condition, for the ordinary uses of party-walls, provided the height of the same be not increased. In case it is desired to increase the height of existing party or independent walls, which walls are less in thickness than required under this title, the same shall be done by a lining of brickwork to form a combined thickness with the old walls of not less than four inches more than the thickness required for a new wall corresponding with the total height of the wall when so increased in height. The said lining shall be supported on proper foundations and carried up to such heights as the commissioner of buildings may require. No lining shall be less than eight inches in thickness, and all linings shall be

Thickness
of coursed
stone walls
and piers.

Bearing
walls face
with brick

Heading
course in
brick walls

Stone
ashlar.

from ashlar
plates.

Use of
existing
party walls

Increase of
height of
existing
walls.

laid up in cement mortar and thoroughly anchored to the old brick walls with suitable wrought-iron anchors placed two feet apart and properly fastened or driven into the old walls in rows alternating vertically and horizontally with each other, the old walls being first cleaned of plaster or other coatings where any lining is to be built against the same. In no case shall any wall or walls of any buildings be carried up more than two stories in advance of any other wall, except by permission of the commissioner of buildings. The front, rear, side and party-walls shall be properly bonded together or anchored to each other every four feet in their height by wrought-iron tie anchors not less than one and one-half inches by three-eighths of an inch in size. The anchors shall be built into the side or party-wall not less than sixteen inches, and into the front and rear walls, so as to secure the front and rear walls to the side or party-walls when not built and bonded together. All piers shall be anchored to beams on the level of each tier. The walls and beams of every building, during the erection or alteration thereof, shall be strongly braced from the beams of every story, and when required shall also be braced from the outside until the building is inclosed. The roof tier of wooden beams shall be safely anchored with plank or joists to the beams of the story below until the building is inclosed.

§ 13. The height of all the walls shall be measured from the curb level at the center of the building to the top of the highest point of the roof-beams in the case of flat roofs, and for high pitched roofs the average of the height of the gable shall be taken as the highest point of the wall. In case the wall is carried on iron-girders, or iron-girders and columns or piers of masonry, the measurement as to height may be taken from the top of such girder. When the walls of a structure do not join the street, then the average level for the ground adjoining the walls may be taken instead of the curb level for the height of such structure. The width of buildings for the purpose of this title may be determined by the way the beams are placed. The lengthwise of the beams may be considered and taken to be the widthwise of the building, and the bearing walls are those walls on which the beams or trusses rest. Eight-inch brick and six-inch and four-inch hollow tile partition walls of hard-

Walls, how
carried up.

Anchorage
of walls.

Bracing
and anchor-
age during
erection,
etc.

Height of
walls, how
measured.

Width of
buildings,
how deter-
mined.

Hollow tile
partition
walls.

burnt clay or porous terra-cotta may be built not exceeding in their vertical portions a measurement of fifty, thirty-six and twenty feet, respectively, and in their horizontal measurement a length not exceeding seventy-five feet, unless strengthened by proper cross-walls, piers or buttresses. All such walls are to be carried on proper foundations or on iron-girders, or iron-girders and columns, or piers of masonry. One line of fore and aft partitions in the cellar, supporting partitions above in all buildings exceeding twenty feet in width, hereafter erected, shall be constructed of brick not less than eight inches thick; or piers of brick with openings arched over below the under side of the first tier of beams; or girders of iron or steel and iron or steel columns; or piers of masonry may be used; or if iron or steel floor beams spanning the distance between bearing walls are used of adequate strength to support the stud partitions above, in addition to the floor load, to be sustained by the said iron or steel beams, then the fore and aft brick partition or its equivalent may be omitted. Fore and aft stud partitions, and such other main stud partitions as may be required by the commissioner of buildings, which may be placed in the cellar or lowest story of any building, shall have good, solid stone or brick foundation walls under the same, which shall be built up to the top of the floor beams or sleepers, and the sills of said partitions shall be of locust, or other suitable hard wood, but if the walls are built five inches higher of brick than the top of the floor beams or sleepers, any wooden sill may be used on which the studs shall be set. Fore and aft stud partitions that rest directly over each other shall run between the wooden floor beams and rest on the plate of the partition below, and shall have the studding filled in solid between the uprights to the depth of the floor beams with suitable incombustible materials. All girders supporting the first tier of wooden beams in buildings shall be supported by brick piers or iron, locust or other suitable hard wood posts of sufficient strength on proper foundations.

Fore and
aft brick
partitions
in cellars.

Fore and
aft stud
partitions.

Girders
supporting
first tier of
wooden
beams.

Construc-
tion of
roofs with
iron raft-
er, etc.

§ 22. If a mansard or other roof of like character be placed on any building, except a wooden building, or a dwelling-house not exceeding thirty-five feet in height, it shall be constructed of iron rafters and lathed with iron on the inside and plastered, or filled in with fireproof material not less than three inches

thick, and covered with metal or tile. All exterior cornices, inclusive of those on show windows and gutters of all buildings, shall be of some fireproof material and be well secured to the walls with iron anchors, independent of any woodwork. In all cases the walls shall be carried up to the planking of the roof. Where the cornice projects above the roof the walls shall be carried up to the top of the cornice. The party-walls shall in all cases extend up above the planking of the cornice and be coped. All exterior wooden cornices, on other than frame buildings, that may now be or that may hereafter become unsafe or rotten, shall be taken down, and if replaced shall be constructed of some fireproof material. Bulkheads used as inclosures for tanks and elevators and coverings for the machinery of elevators, and all other bulkheads hereafter erected or altered, may be constructed of hollow fireproof blocks, or of wood covered with not less than two inches of fireproof material, or filled in the thickness of the studding with such materials, covered on all sides with metal, including sides and edges of doors. Covers on top of water tanks placed on roofs may be of wood covered with tin. Staircase bulkheads of dwelling-houses shall be covered with tin on all sides. Roof tanks and other structures of a like character shall be supported on iron beams, resting on bearing walls, and not located directly over any hall or stairway.

Fireproof
cornices
and gut-
ters.

Walls, how
carried up.

Wooden
cornices,
when to be
made fire-
proof.

Bulkheads,
how con-
structed.

Tanks and
staircase
bulkheads.

§ 23. The planking and sheathing of the roof of every building erected or built as aforesaid shall in no case be extended across the side, end or party-wall thereof. Every such building and the tops and sides of every dormer window thereon shall be covered and roofed with slate, tin, copper or iron, or such other quality of fireproof roofing as the commissioner of buildings, under his certificate, may authorize, and the outside of the frames of every dormer window hereafter placed upon any building as aforesaid shall be made of some fireproof material. All buildings shall have scuttles or bulkheads, covered with some fireproof material, with ladders or stairs leading thereto and easily accessible to all tenants. No scuttle shall be less in size than two by three feet. All skylights having a superficial area of more than nine square feet placed in any building shall have the sashes and frames thereof constructed of iron and glass. Every fireproof roof hereafter placed on any building shall have besides the usual scuttle or bulkhead a skylight or skylights of

Planking of
roofs.

Fireproof
roofing.

Scuttles,
bulkheads,
etc., lead-
ing to roofs

Skylights.

Leaders
and con-
ducting of
water
therefrom.

a superficial area equal to not less than one-fiftieth the superficial area of such fireproof roof. All buildings shall be kept provided with proper metallic leaders for conducting water from the roofs in such manner as shall protect the walls and foundations of such buildings from injury. In no case shall the water from said leaders be allowed to flow upon the sidewalk, but the same shall be conducted by pipe or pipes to the sewer. If there be no sewer in the street upon which such buildings front, then the water from said leader shall be conducted by proper pipe or pipes, below the surface of the sidewalk to the street gutter.

Inspection
of build-
ings.

§ 61. The commissioner of buildings, the inspectors of buildings and the other employes of said department are authorized and empowered to enter upon any lands or buildings for the purpose of making inspections and carrying out the provisions of this title. The commissioner of buildings shall examine, or cause to be examined, the dwelling-houses and other buildings in the city, for the purpose of ascertaining all violations of the laws and ordinances for the more effectual prevention of fires, and also to inspect the fire-places, hearths, chimneys, stoves and pipes thereto, ovens, boilers, heaters and all chemical apparatus, receptacles and places for the deposit of ashes, or other things and substances which, in his opinion, may be dangerous in causing or promoting fire or dangerous to firemen or occupants in case of fire. Upon finding anything defective or dangerous, the owner or occupant, by a written or printed notice shall be directed to alter, remove or amend the same, in such a manner and within such reasonable time as the commissioner may deem proper.

§ 2. This act shall take effect immediately.

Chap. 293.

AN ACT to provide for the location, acquisition, construction and improvement of additional public parks in the city of New York, and for the construction therein of schoolhouses, school playgrounds and municipal baths.

Accepted by the city.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of street opening and improvement of the city of New York, is hereby authorized and empowered to select, locate and lay out, in the manner provided by chapter three hundred and twenty of the laws of eighteen hundred and eighty-seven, within three years after the passage of this act, so many public parks, to be finished in part as public play-grounds, in the city of New York as it may deem necessary, but not less than two in number, to be bounded by public streets now existing in the district east of the Bowery and Catharine street, and south of Fourth street in said city, and to acquire the title to the lands embraced therein. And the department of public parks of the city of New York is hereby directed to commence the construction of said public parks so to be selected, located and laid out within the same period of time.

§ 2. At the time of the construction of said parks or at any time thereafter, the department of public parks of the city of New York, may construct, in connection with the said parks and upon a portion thereof, municipal baths.

§ 3. Said parks may be located on blocks also containing public schoolhouses, and at the time of the construction of said parks or at any time thereafter, the board of education of the city of New York, may with the permission of the department of public parks and of the board of estimate and apportionment, construct upon a portion of such public parks, schoolhouses and school playgrounds.

§ 4. For the payment of all expenses to be incurred under the authority of this act, including the damages awarded and expenses incurred upon the acquisition of land and estates and interests therein and the construction of said parks and the erection and

furnishing of buildings thereon, the comptroller of the city of New York is hereby authorized and directed to issue from time to time bonds or stocks of the mayor, aldermen and commonalty of the city of New York to be payable from taxation and redeemable in not less than ten or more than thirty years from the date of issue in such amounts as may be necessary to carry out the purposes of this act, but not exceeding in all the sum of three millions of dollars; and the mayor and comptroller are hereby authorized and directed to sign such bonds, and it shall be the duty of the clerk of the common council of said city to countersign the same and affix thereto the seal of the said city. Said bonds shall bear interest at a rate to be fixed by the comptroller, not exceeding four per centum per annum, and shall not be disposed of at less than the par value thereof.

Acquisition
of title to
lands.

§ 5. Whenever and as often as any site may be so as aforesaid selected, located and laid out as hereinbefore provided, the title to the lands embraced therein and all interests in said lands shall be acquired by the mayor, aldermen and commonalty of the city of New York and the same proceedings shall be had therefor as are provided for the acquisition of real estate and interests therein by chapter three hundred and twenty of the laws of eighteen hundred and eighty-seven, with like effect.

§ 6. This act shall take effect immediately.

Chap. 294.

AN ACT to provide for the construction of a system of sewerage for the town of Westchester, in Westchester county.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Commis-
sioners of
sewerage
and drain-
age.

Section 1. Within thirty days after the passage of this act the supervisor of the town of Westchester, in Westchester county, shall, by a writing signed by him, and filed in the office of the clerk of said town, appoint five freeholders and electors of said town, to be known as commissioners of sewerage and drainage of the town of Westchester, in the county of Westchester, outside of incorporated villages therein, and charged with the construc-

tion of a system of sewerage and disposal thereof, and drainage of said town, or a part thereof, as hereinafter provided, and the duties incident thereto, as the same are specified and defined in this act.

§ 2. Each of said commissioners shall hold office for the term of three years from the date of his appointment, or until his successor is appointed, and all vacancies in the board of commissioners by death, resignation or refusal to serve shall be filled by appointment of the supervisor of said town of Westchester, then in office, and in the same manner as an original appointment, the appointee, however, to hold office only for the unexpired term of the original commissioner. Terms of office and vacancies.

§ 3. The said commissioners of sewerage and drainage shall, within twenty days after their election, take and subscribe the oath of office prescribed by section one of article twelve of the constitution, and meet at some suitable place by them to be selected, and choose and designate one of their number as president of said commissioners of sewers and drainage, one of their number as secretary, and one of their number as treasurer thereof. The president, secretary and treasurer so chosen shall hold their respective offices for one year, or until their successors shall be chosen. The treasurer of said commissioners shall furnish a bond for the faithful discharge of his duties, in the penal sum, and with such sureties as said commissioners shall direct and approve. Oath of office. Officers of commission. Treasurer's bond.

§ 4. During the existence of said commission the commissioners shall have entire charge and control of said sewers, sewage disposal works, and drains, and regulate the method of construction and connection therewith. They shall have power to hire and furnish a suitable place for the conduct of their business. The commissioners shall have a stated time and place for holding their meetings in the town of Westchester, and may make all needful rules and regulations for their own government and for the transaction of their business, as commissioners, not inconsistent with the laws of this State; and a majority of said commissioners shall constitute a quorum for the transaction of any business they are empowered and authorized to do under this act. They shall make an annual report to the taxpayers, to be published in two of the newspapers printed in said town, of all acts performed by them as such commissioners, and Powers and duties of commissioners. Meetings and rules. Quorum. Annual report.

a detailed statement of their receipts and disbursements, and file a copy thereof with the town clerk of said town, and on the termination of their labor make a full and final report of their proceedings to the supervisor of said town, and turn over to him, or their successors in office, all books, papers, maps, profiles, unexpended funds, or any property whatever in their possession as such commissioners.

Final report and transfer to supervisor.

Compensation of treasurer.

§ 5. All services performed by such commissioners shall be rendered without compensation, with the exception of those of the treasurer of said commissioners. The treasurer of said commissioners shall receive a sum equal to one per centum of the

Deposit of funds.

moneys which he shall disburse. The said treasurer shall deposit the money received by him in his name as treasurer, in any bank or trust company designated by the commissioners.

Counsel.

The said commissioners may employ and pay counsel whenever the same shall be necessary. They shall keep a full record of their proceedings, which said record shall, upon the completion of the duties of said commissioners, under this act, be by them turned over to their successors, or to the supervisor of said town.

Record of proceedings.

Engineers.

§ 6. The said commissioners of sewers and drains are authorized, empowered and directed to employ a competent engineer or engineers, who shall from time to time, as directed by the commissioners, prepare maps, profiles, plans and specifications for a system of sewers and disposal of sewage for such parts of said town of Westchester, outside of any incorporated village therein, as the said commissioners may direct to be sewered and drained, which system shall be used for the purpose of sanitary sewerage and cellar drainage. And such maps, profiles, and specifications shall also provide for surface drainage, wherever necessary, in such parts of said town. The said commissioners shall determine, in their judgment, how much of said town shall be sewered and drained, and the maps, profiles, plans and specifications of such parts which they shall recommend to be sewered and drained shall, for a period of fifteen days, be open to the inspection of the taxpayers of said town of Westchester. The said commissioners shall also procure an estimate of the cost of sewerage, disposal of sewage, and draining such parts of said town, based upon the plans and specifications hereinbefore provided for, which plans and speci-

Plans and specifications.

Estimate of cost.

fications shall be then submitted to and approved by the State ^{Approval of plans.} board of health, and no work shall be done under such estimate until said plans are so approved. This estimate shall be pre- ^{Submission of estimate, etc., to taxpayers.} sented to a meeting of the taxpayers of the town of Westchester, to be called as hereinafter provided, at which meeting a vote shall be taken, taxpayers only to be entitled to vote, for or against the construction of the sewers and drains recommended by the commissioners at the estimated cost so presented, and the issuing of bonds and certificates of indebtedness in payment therefor as hereinafter provided. If a majority of the votes ^{Construction of sewers upon favorable vote.} cast shall be in favor of said estimated cost so presented, and the issuing of the bonds and certificates of indebtedness, then the said commissioners are authorized, empowered and directed to proceed with the work of constructing the sewers and drains in such parts of said town which the said commissioners had recommended to be sewered and drained. If a majority of the ^{Submission of revised plans upon unfavorable vote.} votes cast shall be against said estimated cost so presented, and the issuing of bonds and certificates of indebtedness afore- said, then the said commissioners shall, if they deem it advisable, submit a revised plan, covering the territory to be sewered and drained, and procure plans and specifications, and estimated cost thereof, which said revised plans and specifications shall be submitted to and approved by the State board of health, as provided in section six of this act, and then the said commissioners shall submit this estimate to the taxpayers in the same manner as hereinbefore provided, which election shall be held within three months after the first election herein- before provided for. If a majority of the votes cast shall be ^{Sale of bonds and construction of sewers upon favorable vote} in favor of said estimated cost so presented, and the issuing of the bonds and certificates of indebtedness, then the said com- missioners are authorized, empowered and directed to sell the bonds and certificates of indebtedness of the town of West- chester, as hereinafter provided for, from time to time, as the proceeds thereof shall be needed, and to proceed with the work of constructing the sewers and drains in such parts of said town, which said commissioners had recommended to be sewered and drained, but in no case shall there be held more than three ^{Three elections only in one year} elections in any one year upon any proposition of drainage or sewerage submitted by the said commissioners.

First meeting of taxpayers.

§ 7. The first meeting of the taxpayers called for by this act after the appointment of the commissioners as provided for in section one, shall take place within six months from the said appointment, and all meetings shall be called by the town clerk in the same manner as town elections are called, for the purpose of voting on an appropriation, and shall be held at the town hall in Westchester, but no person shall be permitted to vote at any election provided for under this act unless he shall be a qualified elector of the town of Westchester, and his name shall have appeared on the last assessment-roll of said village, or he shall have subsequently acquired title to real estate, and his conveyance thereto shall be recorded, or the husband of a woman who is the owner of real estate as aforesaid. But nothing herein contained shall be construed to allow any elector to vote, if he shall have conveyed all his real estate in said town after the last assessment-roll was made, and before the elections hereunder, nor shall any elector be entitled to more than one vote at each election under this act. The inspectors of this election shall be three resident taxpayers of the town of Westchester, to be designated by the commissioners.

Qualifications of voters.

Inspectors

Contracts for construction.

Proposals.

Bond to be submitted with proposals.

§ 8. Said sewers, sewage disposal works and drains shall be constructed, upon the result of either of the elections provided for in sections six and seven hereof resulting in favor of their construction, by contract. Said commissioners of sewers shall advertise for proposals for constructing said sewers, disposal works and drains, and furnishing material for the same, under one entire contract, or in parts or sections, under several contracts, as they shall deem for the best interests of the town, at least once a week for not less than two weeks successively, in a newspaper published in said town of Westchester, and for a period of not less than six days in at least one daily paper printed in the city of New York. The said commissioners shall require a bond of each party who shall submit proposals, in such amount and with such sureties as they shall determine, to be submitted with such proposals, conditioned that the party making such proposals shall enter into a contract for furnishing the labor and materials for and constructing such sewers and drains, or the portion thereof for which such proposals are asked and submitted, according to the plans and specifications, at his or their proposal or bid, and

that he or they will furnish such security as such commissioners of sewers and drainage shall require to be furnished for the faithful performance of his or their contract, and also for the indemnifying and saving harmless the town of Westchester or the said commissioners from any and all expenses and damages as hereinafter specified. And said commissioners of sewers and drainage shall require any party with whom they shall contract for doing said work, or furnishing said materials, or any part thereof, to give sufficient security, to be approved by them, for the faithful performance of such contract or contracts, and to indemnify and save harmless the said town of Westchester and the said commissioners of sewers and drainage from any and all expense or damage, for which it or they may become liable or put to, by reason of any negligence or carelessness on the part of said contractor, his assignee, his or their agents, servants or employes, or from improperly grading any and all excavations, trenches, accumulations or obstructions, caused by or made in the course of the construction of the sewers and drains aforesaid, or the portion thereof covered by such contract or contracts, or from neglecting or refusing to properly restore the surface of any highway, street, alley, lane or place through which said sewers or drains shall have been laid or constructed, to a proper and safe condition.

§ 9. For the purpose of constructing such sewers, sewage disposal works and drains, the commissioners of sewers and drainage appointed under this act may, in the name of the town of Westchester, and for such town, enter upon, take, use and occupy any rights of the public in and to any of the streets, highways, roads, alleys, lanes, navigable waters or streams, in said town of Westchester, and may enter upon, take and appropriate, by purchase, for said town, as hereinafter provided, any lands, real estate, streams, easements or rights, which may be necessary for the purpose aforesaid, which land, real estate, streams, easements and rights shall thenceforth belong to said town of Westchester. And if it becomes necessary to alter the grade of any road to carry into effect the system of sewers and drains, the commissioners shall have the power to make such changes, and to make payment of any damage to private property, which may be thereto occasioned.

Security by contract-
ors.

Use of high
ways.

Acquisition
of lands
and rights.

Alteration
of grades of
roads.

Interest in
contracts,
etc., pro-
hibited.

§ 10. It shall be a misdemeanor, punishable by fine or imprisonment, for either of said commissioners, or for any clerk, engineer, superintendent or inspector, appointed or employed by them, to be in any way or manner interested, directly or indirectly, in furnishing any material or labor for the construction of the sewers herein provided for, or in any contract which said commissioners shall make.

Proceed-
ings for
acquiring
title to
lands or
rights.

§ 11. In case the said commissioners shall be unable to agree with any person or corporation owning or having an interest in any land, stream, easement or right, for the purchase of the same, or of any right therein, required for the purpose of this act, the said commissioners may, in the name of said town, acquire such land, easement, right or use, pursuant to title one, chapter twenty-three, of the code of civil procedure, and when-
ever such proceedings shall have been had, and the said sewer commissioners shall have complied with the requirements of said act, and the order of the court in the premises, said town shall become seized in fee of the lands, and the easements, rights and interests so taken and appropriated.

Mainte-
nance and
manage-
ment of
sewers and
works.

§ 12. Said commissioners shall have the maintenance and management of all said sewers and works erected by them until the expiration of their term of office, as hereinbefore provided. It shall be their duty to make by-laws, and regulations for the protection, use and operation of such sewers and the several parts thereof, and to prescribe penalties for the violation of such by-laws, rules and regulations, and to prosecute such violations, in the name of the said commissioners, and all penalties collected therefrom shall be paid to the treasurer of said commissioners, and shall be accounted for by him in the same manner as other funds coming into his hands as such treasurer.

May sue
and be
sued.

§ 13. Said commissioners may sue and be sued, under the name of the commissioners of sewers and drainage of the town of Westchester.

Money may
be bor-
rowed for
expense.

§ 14. For the purpose of defraying the expense of the commissioners and the expenditures and cost of the surveys and construction of said sewers and drainage, and all expenses and expenditures, wages and salaries of employes authorized by this act, including the compensation to be paid and expenses incurred in proceedings to acquire title to land or right of way under and across any property, or for any damage to private property,

there shall be borrowed, upon the credit of the town of Westchester, upon the bonds thereof, from time to time, such an amount as shall be necessary for that purpose, and upon the requisition of the said commissioners of sewers and drainage the supervisor of said town shall issue bonds, with interest coupons, of said town, signed by such supervisor and countersigned by the town clerk and by the president of the said commissioners, to such an amount as shall be necessary, not, however, exceeding in amount for all the expenses and labor authorized by this act the aggregate sum of five hundred thousand dollars. Such bonds shall be numbered consecutively, and shall bear interest at a rate not to exceed four per cent. per annum, and the principal thereof shall be payable as follows: Ten thousand dollars on the first day of June, nineteen hundred and five, and a like sum on the first day of June in each succeeding year, until the whole amount of the issue of said bonds shall be paid, and the same shall be sold by the supervisor of said town and the said commissioners of sewers and drainage for not less than the par value thereof, from time to time, as the proceeds thereof shall be needed, and the same shall be paid over to the treasurer of the said commissioners of sewers and drainage.

§ 15. The interest of said bonds shall become due and payable on the first days of July and January, in each year, until each of said bonds shall become due and payable, respectively, and a record of all bonds issued under this act shall be kept by the town clerk of said town, showing the number, date and amount of each bond, the rate of interest, and when the same is due and payable, and all facts relating to the issue, sale and redemption thereof.

§ 16. There shall be annually levied and assessed upon the taxable property of the said town, outside of the limits of any incorporated city or village, by the board of supervisors of the county of Westchester, and collected, in the same manner that other town charges and taxes are levied, assessed and collected, such sums of money as may be necessary to pay the interest on the said bonds, and the principal thereof, as the same becomes due, and said moneys when collected shall be paid by the receiver of taxes of said town to the supervisor thereof, and by said supervisor applied to the payment of the

Accounting
by super-
visor.

interest due on said bonds and the principal thereof, as the same becomes due; and the said supervisor shall, at the time of making his annual account to the board of town auditors of said town, make a true and full account of all moneys received by him for the purpose aforesaid, and deliver to said board of auditors vouchers for all moneys expended by him for the payment of the principal and interest of the aforesaid bonds, and a copy of the said report of the said supervisor shall be entered at length upon the records of the town by the town clerk thereof.

§ 17. This act shall take effect immediately.

Chap. 295.

AN ACT to amend chapter five hundred and eleven of the laws of eighteen hundred and eighty-nine, entitled "An act to amend, revise and consolidate the several acts relating to the village of Cooperstown in the county of Otsego," and all acts amendatory thereof.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section two of title two of chapter five hundred and eleven of the laws of eighteen hundred and eighty-nine, entitled "An act to amend, revise and consolidate the several acts relating to the village of Cooperstown, in the county of Otsego," is hereby amended so as to read as follows:

Elective
officers,
their elec-
tion and
terms.

§ 2. The only elective officers under this act shall be the village president, village trustees, clerk and treasurer, collector, three assessors and two constables; the village president, clerk and treasurer, collector and constables to be elected annually and to hold office for one year only; two trustees and one assessor to be elected annually* to hold office for three years; and at the first annual election after the passage of this act and annually thereafter a village president shall be chosen who shall hold office for the term of one year. All the officers named above

who shall be in office at the date of the passage of this act shall hold the same until the term for which they were elected shall have expired. Terms of incumbents.

§ 2. Section three of title two of said act is hereby amended so as to read as follows:

§ 3. No person shall be eligible to any office unless he shall be at the time a resident and elector of the village. No person shall be eligible to the office of trustee or village president unless owning property liable to be assessed for the expenditures of the village. Eligibility to office.

§ 3. Section eleven of title three of said act is hereby amended so as to read as follows:

§ 11. The first meeting of the board of trustees in each year shall be within five days after the annual election of such year, at which time they shall meet and organize. All subsequent meetings of the board of trustees during the year shall be held at least once a month, at such time and place in the village as the board shall by resolution direct. Special meetings may be called by the village president, or by the clerk on the written request of two or more trustees. Notice of all meetings shall be served on each trustee by the clerk a reasonable time before the hour of meeting. A majority of the board shall be a quorum for the transaction of business. The clerk elected at the annual election of the village shall be the clerk of the board of trustees. Meeting of trustees.
Clerk of board.

§ 4. Section thirteen of title three of said act is hereby amended so as to read as follows:

§ 13. The village president, when present, shall preside at the meeting of the board of trustees and may vote upon all questions the same as any other member of the board. It shall be his duty to receive all complaints of the breach of any of the by-laws, to see that the by-laws, rules and regulations of the corporation are duly complied with; to prosecute in the name of the village of Cooperstown all offenders against such by-laws; to receive and lay before the board of trustees all official reports which from the several officers of said village may by the by-laws, from time to time, be required; to keep the seal of the corporation, and to use and affix it by order of the trustees; to make frequent inspections of all the personal property belonging to said corporation particularly such as appertain to the extinguishment of fires, and to take such measures as will insure the safety, good Village president, his powers and duties

order and preservation of all public property of the said corporation, and do all other acts as may be proper for him to do as president of the village.

Repeal.

§ 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 296.

AN ACT relating to the payment of officers of election in the city and county of New York.

BECAME a law April 11, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Certificates
of perform-
ance of
service.

Section 1. That the chief of the bureau of elections in the city of New York is hereby authorized and directed to certify to the comptroller that the services performed by the election officers of the election held November six, eighteen hundred and ninety-four, in the city and county of New York, were properly performed, notwithstanding technical defects or omissions in making out and filing the returns required by law unless said defects and omissions shall appear to said chief of the bureau of elections to have been made or omitted with criminal intent.

Payment of
officers.

§ 2. That the comptroller of the city and county of New York, be and he is hereby authorized and directed to pay the moneys now due to the said election officers, upon receipts by him of the certificates provided for in the foregoing section of this act.

§ 3. This act shall take effect immediately.

Chap. 297.

AN ACT to amend section one of title nineteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, being an act entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," relating to public improvements.

Accepted by the city.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title nineteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," is hereby amended so as to read as follows: Charter amended.

§ 1. The common council may, upon the petition of a majority of the property owners, or of the owners of a majority of the property to be affected, or by a three-fourths vote of the board of aldermen and the consent of the mayor without such petition, open, close, extend, widen, regulate, grade, pave, regrade and repave roads, streets, lanes, and avenues, or any part thereof either with stone of any character, or with asphalt, brick, macadam or with any other material, as they may deem expedient, and cause public squares and parks to be opened, regulated, ornamented and perfected in the manner hereinafter provided, and generally have such other improvements in and about such streets, avenues and squares as the public wants and convenience shall require. They may also include as a part of the paving or repaving of any road, street, lane or avenue, the improvement of the sidewalks thereof, by the laying of flagstones thereon, or such other material as they may deem expedient. The expense of all such improvements shall be assessed and be a lien on the property benefited thereby, in proportion to the amount of said benefit. In all cases where the common council shall decide upon the grading and paving of any street or avenue they shall cause a sufficient number of culverts or drains to be constructed under Powers of council as to public improvements.

Expense of improvements.

Culverts or drains before grading or paving.

Laying out
streets and
alteration
of map.

such street or avenue as may be necessary to carry off the surface water of the lands which shed their water across the line of such street or avenue. The said common council shall have power, with the consent of the mayor, to lay out streets in said city and to place the same on the commissioners' map, and to change said map by closing and striking therefrom or altering the lines of any street now on or hereafter placed on said map.

§ 2. This act shall take effect immediately.

Chap. 300.

AN ACT to amend chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-three, entitled "An act to revise and consolidate the several acts in relation to the village of Dansville, and to revise and amend the charter of said village, and to repeal certain acts and parts of acts, and to create a police fund, and define the jurisdiction, powers and duties of the police justice and policemen of said village.

BECAME a law April 11, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section one of title four of chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

Tax for
ordinary
expendi-
tures.

§ 1. The trustees shall have power to raise by assessment and tax, moneys for the expenditures required by the provisions of this act and the proceedings had thereunder, which shall be termed the "ordinary expenditures" of said village, for the following purposes:

1. A sum for highway and street purposes, not exceeding the sum of twenty-four hundred dollars.
2. A sum sufficient to pay the contingent or ordinary expenses of said village, including printing, stationery, expenses of litigation, rents, repairs, board of health and salaries not otherwise provided for, not exceeding the sum of one thousand dollars.
3. A sum sufficient to pay the current expenses of lighting the streets and public buildings of said village, not exceeding the sum of two thousand dollars.

4. A sum sufficient for the necessary expenses of the fire department, not exceeding the sum of six hundred dollars.

5. A sum, to be known as the police fund, sufficient for the salaries of the police justices and the policemen to be appointed, as herein provided, not exceeding the sum of twelve hundred dollars.

§ 2. Section eight of title three of said chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

§ 8. The polls of the annual or any special village election shall be opened at eight o'clock in the morning. The trustees, together with the president, shall be the inspectors of election, and shall attend at the polling place on the day appointed for an election, and shall possess all the powers and shall discharge all the duties of the inspectors of election under the general election laws of this State, except as herein provided. In case a majority of said inspectors fail to attend and serve at an election, the qualified voters present shall select from their number inspectors sufficient to make the number up to three, which inspector selected, before entering upon their duties as such, shall take the oath of office prescribed for inspectors of general elections. A poll list of all persons voting at an election shall be kept by said inspectors. The polls shall be kept open without intermission for adjournment until six o'clock in the afternoon, at which time they shall be closed. After the polls of such election have been closed, the inspectors shall immediately thereafter and without adjournment publicly canvass the votes received at such election. Immediately after thus canvassing the votes, said inspectors shall make a statement in writing, signed and certified by them, certifying the number of votes cast at such election for each person, and for what office. Said returns shall also contain a statement of the various resolutions, if any, voted upon by ballot at such election, and the number of votes cast for and against each. Said inspectors shall also determine the persons elected to the various offices to be filled at said election by the greatest number of votes, and which of the resolutions, if any, voted for at such election were carried, and shall certify and declare the same in the said statement. Such statement shall forthwith be filed with the clerk of the village, and shall be forthwith recorded by him at

Village
election,
how con-
ducted.

Canvass
and certi-
ficate of
result.

Clerk of
board.

length in the village records. The clerk of the village, or in his absence, such person as the inspectors may appoint, shall act as clerk of such board of inspectors and canvassers at the elections in said village. The clerk of the village, immediately upon the recording of said canvass, shall notify every person so certified to have been elected, of his election, by leaving with him personally, or at his place of residence or business, or by mailing to him with postage thereon prepaid, a printed or written notice of his election. The officers thus elected, if properly qualified as herein provided, shall enter upon their duties upon the Monday succeeding their election.

Notice to
persons
elected.

Commence
ment of
duties.

§ 3. Section three of title six of said chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-three, is hereby amended so as to read as follows:

Officers of
fire depart-
ment.

§ 3. The officers of said department shall consist of a chief engineer, three assistants, president, secretary and treasurer.

§ 4. Title seven of said chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-three, entitled "police justices and policemen; their powers and duties, and the recovery of forfeitures and penalties," is hereby amended so as to read as follows:

TITLE VII.

Police Justices and Policemen—Their Appointment, Powers and Duties.

Police jus-
tice, his
appoint-
ment and
term.

Section 1. Police justices and policemen; their appointments powers and duties.—The board of trustees of the village of Dansville shall appoint by resolution, to be entered upon their minutes, a police justice, who shall be a resident of said village, and whose term of office shall be one year, unless sooner removed, as herein provided. The term of office of the police justice first appointed after the passage of this act shall expire on the first day of March, eighteen hundred and ninety-six; and the term of office of the police justice shall expire on the first day of March every year thereafter, except that he shall hold over until his successor is appointed and qualified.

Official
oath and
bond.

§ 2. The police justice so appointed, before entering upon the duties of his office, shall take and file with the clerk of said village the oath of office prescribed by law for judicial officers, and shall file with the clerk of said village his bond in such penalty and with such sureties as the board of trustees may approve,

conditioned for the faithful performance of his duties as such police justice, and for the payment to the treasurer of all moneys which shall come into his hand as such police justice, in accordance with the provisions of this act.

§ 3. The salary of such police justice shall be at the rate of ^{Salary.} three hundred dollars per year, payable quarterly by the village, out of the police fund; and he shall receive for his services as police justice no other fee or emolument whatever.

§ 4. Where a crime or offense has been committed, or is charged ^{Powers and jurisdiction.} to have been committed in the village of Dansville, such police justice, except as herein otherwise provided, shall have the power and jurisdiction, exclusive of any justice of the peace or any other officer, except judges of courts of record, to take complaints, issue warrants and all other criminal processes in all criminal actions and proceedings, proceedings for the prevention of crime, proceedings in criminal actions prosecuted by indictment, and special proceedings of a criminal nature, and to hear, try and determine the same, which justices of the peace of the county of Livingston now have, or which may hereafter be conferred by law generally upon such justices of the peace. The police justice shall also have exclusive jurisdiction, except as aforesaid, over all offenses created by or virtue of the provisions of the charter of the village of Dansville; and over all disorderly persons as therein defined, and over all proceedings for the collection of fines and penalties under any ordinance of the village. No justice of the peace or other officer shall have jurisdiction over any offense or to entertain any proceeding, of which the police justice has exclusive jurisdiction, except as herein otherwise provided. The said police justice shall also have concurrent like criminal jurisdiction with the justices of the peace of the town of North Dansville within that portion of the town of North Dansville not embraced within the limits of the village of Dansville.

§ 5. The said police justice may commit for trial or to await ^{Commitments.} the action of the grand jury all persons who shall be charged with any offense within his jurisdiction not triable by him or the court of special sessions by him held. He shall have ^{Bail.} power to let to bail all persons charged with crime before him, in all cases of felony, where imprisonment in the State prison, on conviction of such felony, can not exceed five years. He ^{May administer oaths, etc.} shall also have power to administer oaths and take acknowledg-

ments in all criminal matters, trials and proceedings, or proceedings of a criminal nature.

Courts of
special
sessions

§ 6. In addition to the power, authority and jurisdiction herebefore conferred, and subject to the power of removal provided by the code of criminal procedure, the police justice shall have in the first instance, exclusive power, authority and jurisdiction to hold courts of special sessions within said village for the trials of all misdemeanors of which courts of special sessions held by the justices of the peace of the county of Livingston by law now have or may have exclusive jurisdiction in the first instance to hear and determine, and which misdemeanors shall be committed or charged to have been committed within said village; and concurrent powers and jurisdiction with justices of the peace of the town of North Dansville to hold such courts and special sessions for the trial of such misdemeanors, committed or charged to have been committed in that portion of the town of North Dansville not embraced within the limits of the village of Dansville.

Special po
lice justice.

§ 7. The board of trustees shall designate and appoint by resolution, to be entered upon their minutes, one of the justices of the peace of the town of North Dansville, to be known as the special police justice, who, at any time, when the police justice shall be unable to perform the duties, or any of them, of his office, on account of his absence, sickness or any other cause that does not vacate his office, shall perform all the duties herein required of the police justice.

Appoint-
ment of act-
ing police
justice.

§ 8. If both said police justice and special police justice shall at any time temporarily be absent, or from sickness or other cause, be unable to perform the duties of the office, any three of the board of trustees may by warrant in writing, under their hands, to be filed with the clerk, appoint any other justice of the peace of the town of North Dansville, who shall perform the duties of the office temporarily, during such absence or inability.

Terms of
special and
acting jus-
tices.

§ 9. The special police justice shall hold office during the pleasure of the board of trustees, and may be removed by said board at any time. The time during which a justice of the peace, appointed by warrant as herein provided, may act as police justice, shall be fixed by the warrant, not to exceed one week; but if necessary, his term may from time to time be extended by warrant in like manner. The police justice may be removed in the

Removal
for cause.

manner provided by the code of criminal procedure for the removal of police justices.

§ 10. The same jurisdiction, exclusive and concurrent, and the same power and authority by this act conferred upon the police justice, shall vest in and be exercised by the special police justice, or any justice of the peace appointed by warrant, as herein provided, during the time he shall be necessarily engaged in the performance of the duties of police justice as herein provided. Any justice of the peace, acting as police justice by virtue of this act, shall add to his official title of justice of the peace the words, "Acting as police justice."

Powers and jurisdiction of special and acting justices.

§ 11. Any justice of the peace acting as police justice under the provisions of this act, shall receive a proportionate share of the salary of the police justice, to be determined by the board of trustees, to be based upon the number of days actually and necessarily occupied by him in the performance of his duties as acting police justice, and the amount so paid shall be deducted from the salary of the police justice. Any justice of the peace so acting, shall receive no fee, pay or allowance, from any source for such services, except as herein provided.

Compensation of acting justices.

§ 12. The police justice and persons acting as police justice, according to the provisions of this act, shall annually make out an account against the town of North Dansville, of all criminal proceedings and actions (not including any proceedings to enforce any by-law or ordinance adopted under the provisions of the charter), at the same rate as the fees allowed by law generally as a town charge to justices of the peace for similar services, and present the same to the board of town auditors of the town of North Dansville; and the said board of town auditors shall audit and allow the same against said town in favor of the village of Dansville, and the amount thereof when collected, shall be paid to the treasurer of said village, and shall be credited by him to the police fund.

Audit and payment of same.

§ 13. The police justice and persons acting as police justice, according to the provisions of this act, shall annually make out against the county of Livingston, an account of all criminal matters and proceedings before them, which are allowed by law generally to justices of the peace, as a county charge, and present the same to the board of supervisors of the county of Livingston; and the said board of supervisors shall audit and allow the same in

Annual account against county.

Audit and
payment of
same.

favor of the village of Dansville, against the county of Livingston, at the same rate as allowed by law generally to justices of the peace for like services, and the amount thereof when paid, shall be credited to the police fund of said village.

Payment
over of
fines, etc.

§ 14. All fines, penalties, forfeitures and costs collected by the police justices or persons acting as police justice, as herein provided, shall be paid within thirty days after the receipt thereof, to the treasurer of the village of Dansville, who shall credit the same to the police fund.

Issue of
subpoenas

§ 15. It shall be the duty of the police justice or person acting as police justice, as herein provided, whenever requested by the board of trustees or the president of the village, to issue subpoenas requiring any person to appear before him to give evidence upon a complaint or charge for a crime committed, or supposed to have been committed in said village; and such subpoenas shall have the like effect in all respects, and disobedience thereto shall be punished in the same manner as if issued in any action pending before him; upon the return of such subpoenas, the police justice shall examine the witness or witnesses so summoned, on oath, in relation to the alleged offense, and if it shall appear that any offense has been committed, he shall proceed in the same manner as though such witness had voluntarily made complaint before him.

Proceed-
ings upon
return
thereof.

Actions for
fine, etc.,
under char-
ter, how
brought,
etc.

§ 16. All actions brought to recover any fine, penalty or forfeiture incurred under the charter of said village or under any ordinance or by-law adopted by virtue thereof, shall be brought in the corporate name of the village, and in such action it shall be only necessary to allege in the complaint that the defendant is indebted in the sum claimed, and referring to the section or sections of the charter of said village or to the by-law or ordinance adopted by virtue thereof, under which the penalty is claimed, and to give the special matter applicable thereto in evidence; and the defendant may answer by denial, general or specific, and give special matter applicable thereto in evidence. The first process in any action to recover a fine, penalty or forfeiture under the provisions of this act, or under any by-law or ordinance adopted by virtue of the charter of said village, may be by summons as in civil cases or by warrant of arrest. Every summons shall contain an indorsement stating that the same is issued to recover a fine, penalty or forfeiture, and referring to

First
process.

the section of the said charter, or to the law or by-law or ordinance under which the penalty is claimed, and no other indorsement shall be necessary. When the first process is a warrant of arrest, the magistrate shall require proof by affidavit that the defendant has committed a violation of such provision of the charter, by-law or ordinance before issuing the warrant. The warrant shall be returnable forthwith, and upon the arrest of the defendant, if the cause be adjourned, the magistrate may require the defendant to execute a bond with sufficient sureties, in a sum not exceeding five hundred dollars, conditioned that if judgment be rendered against him, he will at all times render himself amenable to any mandate which may be issued to enforce judgment. If such bond is not given, the defendant shall be kept in custody as in criminal actions until the determination of such complaint. When judgment shall have been rendered for any fine, forfeiture or penalty, the execution thereupon shall direct that if the person or persons against whom the judgment has been rendered refuses or neglects to pay the same, and has no property upon which the same can be levied, such person or persons shall be imprisoned in close custody in the county jail for a term to be specified in the execution, not exceeding thirty days, and it shall be executed accordingly. The proceedings in such action and the costs and fees, whether the first process is a warrant of arrest or summons, shall be the same so far as may be consistent with the provisions of this act, as provided by the code of civil procedure for civil actions.

Proceedings when first process warrant of arrest.

Execution upon judgment rendered.

Code of civil procedure applicable.

§ 17. The provisions of the code of criminal procedure, so far as may be consistent with the provisions of this act, shall apply to all criminal actions and proceedings, proceedings for the prevention of crime, proceedings in criminal actions prosecuted by indictment, and special proceedings of a criminal nature before the police justice.

Code of criminal procedure applicable

§ 18. A docket, to be provided by the board of trustees, shall be kept by the police justice, in which shall be entered by him, or by the person acting as police justice, a record of all criminal actions and proceedings and proceedings for the collection of penalties and forfeitures, the same as near as may be as now required by law to be kept by justices of the peace, and such docket shall be open for inspection at all reasonable hours. The

Docket to be kept.

Reports of
proceed-
ings.

police justice or person acting as police justice, shall make a report of all proceedings had before him and of all moneys received by him, whenever required by the board of trustees, and the neglect to so report, shall be good cause for removal from office.

Continu-
ation of
actions be-
fore jus-
tice.

§ 19. All actions and proceedings necessarily commenced before a justice of the peace acting as police justice as herein provided, shall be continued before the police justice in case of his ability to act, except a trial or hearing of the merits therein shall have been actually commenced, in which case such action or proceeding shall be completed before such justice of the peace acting as police justice.

Review of
judgments
and pro-
ceedings.

§ 20. All judgments of and proceedings before the police justice or person acting as police justice, may be reviewed in the same manner as provided by law for the review of the judgments of courts of special sessions, and the proceedings before justices of the peace generally.

Punish-
ment for
contempt.

§ 21. The police justice or person acting as police justice, shall have the same power and authority to punish for contempt as now conferred by law generally upon justices of the peace by the code of civil procedure and the code of criminal procedure; and such police justice or person acting as police justice shall have power and authority to punish summarily, without warrant, for a criminal contempt, as defined in section two thousand eight hundred and seventy of the code of civil procedure, committed in his immediate presence.

Policemen.

§ 22. The board of trustees of the village of Dansville may appoint policemen, not exceeding two, whose duty it shall be to patrol the streets and public places of said village during such hours as they shall be required so to do by the said board; to execute all processes issued by the police justice or person acting as police justice, when required, and to perform such other duties as the board of trustees and the charter of the village may direct.

Compensa-
tion of
policemen.

§ 23. Such policemen shall receive compensation for their services, at the rate of forty dollars per month, each, payable monthly out of the police fund; and such policemen shall receive no other fee or compensation for their services.

Annual ac-
count for
services in.

§ 24. The policemen appointed, as herein provided, shall, respectively, annually make out and present to the board of trustees

of the village of Dansville, which board shall present the same to the board of town auditors of the town of North Dansville and to the board of supervisors of the county of Livingston, an account or claim for the services rendered by them in criminal actions and proceedings, in the same manner and at the same rate as provided by law generally for constables of the towns of the county of Livingston, which accounts shall be audited as a town or county charge by such boards respectively, in favor of the village of Dansville, and in the same manner and at the same rate as the accounts of such constables, and the amount thereof when collected shall be paid to the treasurer of said village, and be credited to the police fund.

Audit and
payment of
same.

§ 25. The board of trustees, in addition to the policemen provided for by section twenty-three of this title, may appoint other officers to be known as "special policemen," for special occasions, who shall perform such duties as may be required by the board of trustees, and who shall receive such per diem compensation for their services, as the board of trustees may direct.

Special
policemen.

§ 26. Policemen and special policemen, appointed by virtue of this act, before entering upon the duties of their office, shall take and file with the clerk of the village the oath of office required by law. Policemen appointed under this act, and such special policemen as shall be required so to do, by the board of trustees, before entering upon the performance of their duties, shall severally execute and file with the clerk a bond to the village of Dansville, in such penalty and with such sureties as may be approved by the board of trustees, conditioned the same as near as may be as the bond required by law to be executed by the constables of the towns of the county of Livingston.

Official
oath and
bond of
policemen.

§ 27. Policemen and special policemen, appointed by virtue of this act, during the time they shall serve as such, shall possess the same power and authority to make arrests, to preserve order and to serve criminal process or processes in proceedings of a criminal nature as is now conferred by law upon constables of the towns of the county of Livingston.

Powers of
policemen.

§ 28. Policemen and special policemen, appointed by virtue of this act, may be removed at any time by the board of trustees.

Removals
for cause.

§ 29. If policemen shall be appointed and qualified, as provided by section twenty-three of this act, it shall be the duty of the

Delivery of
warrant,
etc., to
policemen
for execu-
tion.

police justice, or person acting as police justice, to deliver to them all warrants, commitments and all other criminal processes for execution where consistent with the prompt execution of such process; but nothing herein contained shall in any way limit or abridge the power of any other peace officer to execute any such process if required so to do.

Commit-
ments to
lockup.

§ 30. Whenever any person shall be under arrest and shall not have been admitted to bail, or shall not have been able to give bail pending an examination or trial before the police justice, he may be committed to the lockup of said village, pending such examination or trial, or to the county jail of Livingston county, in the discretion of the police justice or person acting as police justice.

Repeal.

§ 31. Such of the provisions of the charter of the village of Dansville as are inconsistent with the provisions of this act are hereby repealed.

§ 32. This act shall take effect immediately.

Chap. 301.

AN ACT to authorize and require the board of trustees of the Western New York society for the protection of homeless and dependent children, at Randolph, New York, to set apart certain funds as and for a permanent trust fund, and to restrict the use and investment thereof, and of the income thereof.

BECAME a law April 11, 1896, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Permanent
trust fund.

Section 1. The board of trustees of the Western New York society for the protection of homeless and dependent children, at Randolph, New York, is hereby authorized and required to set apart as and for a permanent trust fund, the legacy of five thousand dollars, given to said society in and by the last will and testament of John Satterfield, late of the city of Buffalo, New York, deceased, and also to set apart and add to said permanent trust fund all moneys, funds and the proceeds of the sale or income of any and all property which may hereafter be given, or granted to said society for said permanent trust fund, or which may be bequeathed or devised

to said society and not specifically bequeathed or devised for any other use or purpose. The said legacy and said moneys, and the proceeds of the sale or income of any and all such property shall be so set apart by resolution of said board of trustees, from time to time, and as the same shall be received by said board of trustees and made a part of the principal of said permanent trust fund until the principal of said fund so hereby created shall be one hundred thousand dollars. Such fund shall be designated and known as the permanent trust fund of said society.

§ 2. The principal of said permanent trust fund so hereby authorized, shall not be used, assigned or transferred by said society, or by any of its officers or agents, for any purpose, but the said principal of said fund shall be kept, by and under the direction of said board of trustees, permanently invested in interest-bearing securities, as hereinafter provided, and the income thereof, and of such investments, or so much thereof as may be necessary, may be used and expended under the direction of said board of trustees in paying the necessary expenses of said society in the charitable work for which it is incorporated.

§ 3. The principal of said permanent trust fund shall be invested and kept invested by and under the direction of said board of trustees in any interest-bearing securities in which savings banks incorporated under the laws of the State of New York are by law authorized to invest money belonging to such banks.

§ 4. Any member of the said board of trustees who shall vote for or consent to the misapplication of said permanent trust fund, or any part thereof, or any part of the income thereof, or the investment of any part thereof, except as hereinbefore provided, shall be guilty of a misdemeanor.

§ 5. This act shall take effect immediately.

Chap. 302.

AN ACT to legalize the election for town officers of the town of Verona, in the county of Oneida, at the annual town meetings held on the first Tuesday of March in the years eighteen hundred and ninety-two, eighteen hundred and ninety-three, eighteen hundred and ninety-four and eighteen hundred and ninety-five.

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Election of
town offi-
cers legal-
ized.

Section 1. The election for town officers of the town of Verona, in the county of Oneida, at the annual town meetings, held on the first Tuesday of March, in the years of one thousand eight hundred and ninety-two, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, and one thousand eight hundred and ninety-five, respectively, is in all respects legalized and confirmed with the same force and effect as if such election had been held and conducted under the provisions of chapter nine hundred and forty-seven of the laws of eighteen hundred and sixty-seven, instead of the election law and town law. This act shall not affect or impair any suit, action or special proceeding now pending.

Prov.so.

§ 2. This act shall take effect immediately.

Chap. 303.

AN ACT to repeal chapter nine hundred and forty-seven of the laws of eighteen hundred and sixty-seven, entitled "An act enable the electors of the town of Verona, Oneida county, to vote by districts for town officers."

BECAME a law April 11, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine hundred and forty-seven of the laws of eighteen hundred and sixty-seven, entitled "An act to enable the electors of the town of Verona, Oneida county, to vote by districts for town officers," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 306.

AN ACT concerning the settlement, adjustment and collection of arrears of unpaid taxes and assessments in the county of Queens, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof.

BECAME a law April 12, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Martin V. Wood, the chairman of the board of supervisors of the county of Queens, William A. Jones, of Jamaica, John E. Van Nostrand, of Newtown, and Solomon S. Townsend, of Oyster Bay, all citizens of Queens county are hereby appointed a commission to carry out the provisions of this act in the manner hereinafter provided. They shall be known as "the Queens county tax arrears commission," and by and under said name shall have power to sue and be sued, defend and prosecute in all courts of the State, and to do any and all things necessary in and about the settlement and adjustment of arrears of unpaid taxes in the county of Queens. Within thirty days after the passage of this act, said commissioners shall organize as a board and are authorized to act for three years from the date of such organization. They shall elect one of their members chairman and one of their members secretary of said board. At all meetings of the board, a majority of the commissioners shall constitute a quorum. It shall be the duty of the secretary of said board to keep full and accurate minutes of all meetings of said board, and to keep all books, papers and documents of every kind and nature in any wise relating to the work herein provided for.

§ 2. Said commissioners shall have power and jurisdiction, and they are hereby directed and required in all cases where any tax or assessment, levied or imposed, or attempted to be levied or imposed, on any land in the county of Queens, outside of the incorporated limits of the city of Long Island City, prior to the first day of July, eighteen hundred and ninety-four, remains unpaid and in arrears, except as is hereinafter otherwise pro-

vided, to examine into and fix, adjust and determine as to each parcel of land, how much of said arrearages ought, in the way of tax and assessment, in fairness and justice, now presently to be laid, assessed and charged against and actually collected from said land, by reason of any and all matters and things covered, or attempted or intended to be covered, or done or attempted or intended to be done, in the laying and assessing of said taxes or assessments so in arrears as aforesaid, and the said commissioners in dealing with the said arrearages as matter of fact according to their judgment of what shall be fair and just as hereinbefore directed, ought to be laid, assessed and charged against and actually collected from said land shall treat the same without regard to any supposed want of jurisdiction, irregularity or defect in any of the proceedings had for the levying, imposing or confirming any of said taxes or assessments so in arrears. The said commissioners shall, within thirty days after the passage of this act, publish in one or more papers published in each town in Queens county, a general notice requiring the owner or owners of all land in said town wherein said notice is published, affected by any arrears of taxes or assessments, and all other persons having any interest in or lien upon such lands, to present in writing to said board within ninety days after the passage of this act, their objections to any tax or assessment so in arrears, and any reason why any part of such arrears should be reduced or remitted. Such notice shall be signed by the chairman of said board and shall be published once a week for four weeks next succeeding the first publication thereof. It shall be the duty of such owners or persons having any interest in or lien on lands affected by said arrears, and making such objections, to present in writing to said commissioners, within the time specified in said notice, a brief and concise statement of such objections to said arrears and their reasons why the same or any part thereof should be reduced or remitted, and to serve a duplicate copy of said statement on the supervisor of the town wherein such land is located, within the time aforesaid. Any person who shall file and serve such statement and objections within the time aforesaid shall be heard before said commissioners in person or by counsel, if he demands such hearing, in a notice indorsed on and filed with

Notice to
present ob-
jections.

Statements
of objec-
tions.

Hearing
before com-
missioners.

such statement, which notice shall designate the name and place of business or residence within the town wherein said land is located of a person upon whom notice of such hearing may be served, and such notice or hearing may be served on the person so designated personally, or by letter or postal card, addressed to such person at the place so designated, and deposited in a post-office in Long Island City, and an affidavit of such service by the person making the same, when filed in the office of the treasurer of the county of Queens, shall become a public record, and shall be prima facie evidence in all courts and places of the facts therein stated. The said commissioners, whenever they shall think it necessary, shall have power to call before them and to examine witnesses under oath in relation to all matters concerning taxes or assessments, and they may employ counsel to assist them in any examination they may make and in the performance of their duties generally. Said counsel shall receive such compensation as said commissioners shall deem reasonable, and the same shall be a county charge, and when certified by said commissioners shall be audited and allowed by the board of supervisors of said county, and paid out of the contingent fund of said county. A majority of the members of said board shall constitute a quorum for the hearing of any objections or other matters brought before them, and a majority shall concur in the fixing of the amount to be charged upon and against any parcel of land as aforesaid. Any member of said board may administer oaths or take the affidavit or deposition of any person to be used before said board. The said board may appoint committees of two or more of their number for the examination of any premises, in such case as they may think an examination useful for the determination of their value, and shall have the right to enter in and upon any and all premises for such purpose. The amount of all taxes and assessments for which certificates of sale have been given to and are held by any town in Queens county, and all taxes and assessments for which sales have been made, which sales are for any reason invalid, shall be deemed to be in arrears within the meaning of this section, and to have been so in arrears from the date when said taxes and assessments were levied or confirmed or attempted to be levied or confirmed.

Service of
notice of
hearing.

Power to
examine
witnesses.

Counsel.

Quorum.

May ad-
minister
oaths.

Commit-
tees to ex-
amine
premises.

Taxes and
assess-
ments when
deemed in
arrears.

Record of proceedings and determinations,

§ 3. The said board shall keep a record of their proceedings under this act in which shall be entered their determination as to the amount to be charged and assessed upon and against each parcel of land as aforesaid, designating the same by lot and block number and map name, if the same are shown upon any map on file in the office of the clerk of Queens county, and otherwise by a description of said property by metes and bounds and also by reference to the assessment map (if any) of the town in which such land is located, and shall certify over the signature of a majority of said board, the said amount to the county treasurer of said county of Queens, and their determination in respect thereof shall be final and conclusive upon all persons owning or having any interest in or lien upon said lands and against all persons whomsoever, and the amount so fixed, determined and certified by them in each case, shall thereupon become and be a valid and binding tax, assessment and lien on the land so designated in lieu and instead of all outstanding claims of any town in Queens county, and of said county, for arrears of taxes or assessments levied or confirmed or attempted to be levied or confirmed, prior to the said first day of July, eighteen hundred and ninety-four, and shall be a valid lien on said lands having priority over all other liens, claims or demands whatsoever, except taxes or assessments levied after said date, and the proceeds thereof, when collected, shall be applied to the discharge of any indebtedness of any town in Queens county to the county, in the following manner, viz., the taxes collected in any town in Queens county shall be applied solely to the discharge of the indebtedness of the town wherein the land upon which said taxes so collected is situated. It shall be competent for said board to include in any certificate their several determinations respecting as many parcels of land in any one town as may seem to them convenient.

Certification of amounts to treasurer.

Amount fixed a valid tax and lien.

Application of proceeds.

Several determinations in one certificate

Collection of taxes and assessments.

§ 4. Upon the delivery to the said county treasurer by said board of their said certificate or certificates, the amount of said tax, assessment and lien so fixed and certified in respect to each and every parcel of land included in such certificate shall become due and payable, and shall be collected by said county treasurer without interest, if the same be paid within sixty days after the filing of such certificate with him, and if not so paid, with interest from the date of filing such certificate at the rate

of six per cent. per annum, and if not paid within six months from the filing of said certificate, with interest at the rate of twelve per cent. per annum from the filing of any such certificate. The county treasurer shall not be required to make any demand for the payment of said tax, assessment and lien, and if, after the expiration of twelve months from the filing of said certificate, the amount therein certified in respect of any parcel of land shall not have been collected or paid, the said county treasurer, after giving notice by advertisement, as hereinafter required, shall sell said parcel at public auction to the highest bidder for a sum not less than the amount unpaid and all interest accrued thereon. Said advertisement shall include a designation of the time and place of sale, and a brief description of the property then and there to be sold, and shall state that further particulars of the property to be sold may be obtained at the county treasurer's office, and it shall not be necessary in said advertisement to include any further particulars of the property to be sold. Said advertisement shall be published in not less than two nor more than four papers published in the town wherein said land is located, once in each week for four weeks prior to said sale. It shall be the duty of said county treasurer, from and after the first publication of said advertisement, to deliver to any applicant at his office within office hours, a written or printed list of all the parcels of property intended to be included in said sale, but it shall not be in anywise an objection to the validity of any sale, that any person has for any reason failed to receive such list. It shall not be necessary in the said list or in the certificate of the said board of commissioners hereinbefore mentioned, or in any notice required to be given or published by any of the provisions of this act, to state the name of the owner of the premises affected, or to describe the premises affected otherwise than as directed in section three for the designation of such land upon the records of said board. Said sale may be adjourned or continued from time to time by the county treasurer; but it shall not be necessary to publish any notice of such adjournment or of the continuation of such sale. Affidavits of the publication of such notice of sale in the manner above provided, and of all other notices required by the provisions of this act to be published, made by some one of the respective pub-

Sale of
lands for
unpaid
taxes, etc.

Notice of
sale.

Lists of
lands to be
sold.

Descrip-
tions of
premises.

Adjourn-
ment of
sales.

Affidavits
of publica-
tion of
notices.

fishers of said newspapers or by some person in the employ of such publishers having cognizance of such publication, may be filed in the office of said county treasurer, and shall thereupon become public records and shall be prima facie evidence in all courts and places of the matters stated in such affidavit.

Certificates
of sale to
purchasers.

§ 5. The said county treasurer shall, on receipt of the purchase money on any sale as provided in this act, and the further sum of one dollar, for the use of the county treasurer deliver to the purchaser a certificate of such sale, which shall contain a covenant on the part of the county of Queens to refund the amount paid for said lands, with interest, at the rate of four per cent. per annum, from the date of sale, and all sums paid by him for taxes and assessments as herein-
after authorized, with interest at the rate of four per cent. per annum from the dates of such payments respectively, in case the title conveyed by the sale shall prove invalid. Provided, however, that no claim can be made

Covenant
to refund
in case of
invalid
title.

Actions to
recover
under cove-
nant.

nor any action maintained against the said county of Queens upon or under said covenant or otherwise to recover the amount paid to the said county of Queens for any land sold under the provisions of this act, unless an action to recover the same shall be commenced within three years after the delivery to the purchaser, his legal representatives or assigns, of the deed for said lands and premises as hereinafter in this section provided, nor unless the purchaser or his assigns shall have within one year after the date of said sale caused notice of such sale to be served on the persons entitled to redeem the said lands as provided in the next section of this act, and shall have within fifteen months after the service of such notice applied for and received a deed for said lands as hereinafter provided. In the

Tax for
amount re-
funded.

event of any moneys received from the sale of any of such lands being refunded, by said county of Queens, the amount thereof shall be charged to the towns in which said lands are situated, and shall be inserted in the next ensuing annual levy in said town, and shall be levied and collected the same as other town so collected, shall be paid by the receiver or collector of taxes in charges are levied and collected, and the amount thereof, when

Delivery of
deed to
purchaser.

said town to said county treasurer. Upon presentation of said certificate of sale and proof of the service of the notice of such sale as hereinafter provided, upon the owner and mortgagee of

the said lands and premises, and a certificate from the clerk of Queens county, showing the name of all mortgagees or the fact that there are no mortgages upon the said land, the county treasurer shall, after the expiration of one year from the date of such service, execute and deliver to the purchaser on such sale, his legal representatives or assigns, a deed for said lands and premises, and such purchaser, his legal representatives or assigns, shall take a good and sufficient title in fee simple absolute to the property sold, of which the said deed shall be presumptive evidence; and in any proceeding or action to be by such purchaser, his heirs legal representatives or assigns, taken, prosecuted or defended for the recovery of the possession of the property so sold as aforesaid, or in the establishment or defense of his or their title shown as aforesaid, by such deed, such title shall not fail or be defeated by reason of any irregularity or formal defect in the procedure taken under this act, upon which such sale shall have been made or such title conveyed as aforesaid. The county of Queens shall not, nor shall any town in said county, be a purchaser at any sale of lands under the provisions of this act, but any public official in said county may, as an individual, be a purchaser at any sale under the provisions of this act.

County and towns not to be purchasers.

§ 6. Any person or persons having an estate in, or any mortgagee of any of the lands and premises sold in pursuance of the fourth section of this act, whose estate or lien appears of record in the county of Queens, may at any time before the expiration of one year after notice has been given to him of such sale by the purchaser or his assigns in the manner hereinafter provided, or before a deed of said premises shall have been delivered as provided in section five of this act, redeem said lands and premises by paying to the said county treasurer for the use of the purchaser, or his assigns, the sum paid by him on such sale and ten per centum on the same with interest on the aggregate amount at the rate of fifteen per centum per annum from the date of said sale and one dollar for each notice served as hereinafter provided, together with all sums which shall have been paid by such purchaser or his assigns for taxes or assessments on said lands levied, imposed or payable after the first day of July, eighteen hundred and ninety-four, with interest thereon from the date of such payments respectively at the rate of nine per centum per annum (which said payments said purchaser or his assigns is

Redemption of lands.

hereby authorized to make) and upon filing with the county treasurer a duplicate receipt for such payments the date and amount of such payments shall be entered upon the records of such sale in the office of such county treasurer, and the amount so paid and entered shall be included with interest thereon as aforesaid in the amount to be paid on the redemption of the said premises as herein provided. Such notice shall be in writing and shall be served by delivery thereof to the person or persons aforesaid personally except in case of a non-resident of this State, in which case such notice may be served either personally or by depositing the same in a post office within the town wherein said land is located, inclosed in a post paid wrapper directed to such person or persons at his or their place of residence. Such notice shall be served by a person of full age, who shall make an affidavit of service in every case, stating the time, place and manner of the service, the name and residence of the person making the service and his knowledge as to the identity of the person served, and such affidavit shall be filed in the office of the county treasurer within one month after the date of service and shall be prima facie evidence in all courts and places of the facts stated therein; provided, however, that if any estate in any of said lands shall be held by any heir or devisee of a decedent whose estate appears of record in the county of Queens or if any mortgage or lease shall be held by the executor or administrator of any decedent whose mortgage or lease appears of record in the county of Queens, such heir, devisee, executor or administrator shall be entitled to redeem and to have notice as aforesaid. When any person entitled to redeem or to have notice under this section or his name or part of his name or his place of residence remain unknown to the purchaser or his assigns, after diligent inquiry, or where such person being a resident of this State is and has been for six months continuously absent from the State or avoids service so that personal service cannot be made, an order for the service of such notice by publication may be made by the county judge of Queens county upon a petition of said purchaser or his assigns and upon proofs satisfactory to the said judge, by affidavit or otherwise, that proper and diligent effort has been made to serve such notice upon such person, and that he, his name or part of his name, or his place of residence cannot be ascertained, or, if he is within the State, that he avoids service so that per-

Service of
notice of
sale.

Service by
publica-
tion.

sonal service cannot be made, or being a resident of the State that he has been continuously absent therefrom for six months next before granting the order. Such order must direct that service of the said notice be made by the publication thereof in two newspapers designated in the order as most likely to give notice to the person intended to be notified by such description or designation, if his name be unknown, as the said judge shall direct, for the specified time which the judge deems reasonable, not less than once a week for four successive weeks, and by leaving a copy of such notice at the place of residence of such person where his place of residence is within the State and known to the purchaser or his assigns. A certified copy of such order and a copy of such notice, with proof of the publication thereof in pursuance of such order, by affidavits made by some one of the publishers of the respective newspapers designated in said order, or by some person in the employ of such publishers having cognizance of such publication, and proof by affidavit of the service by leaving a copy of such notice at the residence of the party to be served where such service is required by the order, shall be filed in the office of the county treasurer of Queens county, and shall thereupon become public records and shall be prima facie evidence in all courts and places of the due service of such notice upon the person or persons specified in such order; and upon filing said affidavits such service shall be deemed complete and shall have the same effect as personal service of such notice.

Proof of service by publication.

§ 7. In any case where any tax, assessment and lien certified by the said board of commissioners as provided in section three of this act shall become due and payable and shall remain wholly unpaid for six months thereafter, the board of supervisors of the county of Queens may, in its discretion, cause an action to be brought in the name of the county against the owners and mortgagees of the lands affected by such tax, assessment and lien and all persons having a specific lien or encumbrance thereon, in any court of record within the county of Queens, to enforce the collection of said tax, assessment and lien and to procure a sale of the premises for the satisfaction of the same, and said court shall have jurisdiction in said action, and in default of payment of said tax, assessment and lien within such time as may be fixed by the court for the same, may direct, a sale of the prem-

Actions to enforce collection of taxes, etc.

Sale of premises in default of payment.

by the county treasurer of said county for the payment of said tax, assessment and lien and the interest thereon with the costs of said action; such sale shall be advertised in the same manner and for the same time as is provided by law for the sale of real estate upon a judgment for the foreclosure of a mortgage and upon such sale made in pursuance of such judgment, the said county treasurer shall convey the said premises by a deed to the purchaser thereof, who shall take an absolute title to the premises in fee simple, and the defendants in said action shall be barred and foreclosed of all right, claim, lien, and equity of redemption in the premises so sold, but no personal recovery shall be had in said action for any deficiency on said sale. All actions brought in pursuance of this section, and all proceedings and appeals therein shall have a preference in all courts in the same class and with the same effect as in actions in which executors or administrators are sole plaintiffs or sole defendants.

Preference
of actions.

Application
of surplus
on sales
toward re-
demption.

§ 8. Any person redeeming any lands from a sale under the provisions of this act, shall at the request of the person so redeeming be allowed and accredited by the county treasurer toward such redemption with the amount of surplus moneys received on such sale and remaining in the hands of the treasurer, and such surplus shall thereupon be applied upon and toward such redemption. Provided, however, that interest thereon shall not be recoverable or demandable from the county of Queens, except so far as interest may have been actually received by and be payable to said county upon any investment or deposit of said principal sum or any part thereof.

Extinguish-
ment of as-
sessments
and taxes.

§ 9. Any person owning or having any interest in any lands in any town in the county of Queens, upon which lands any taxes or assessments have been unpaid and in arrears or due or payable for more than two years before the passage of this act, may extinguish such assessments and taxes by paying the amount thereof without default or interest other than interest at the rate of six per cent. per annum, from the first day of January, eighteen hundred and ninety-five, provided that said amount so reduced shall be paid in full before the first day of October next after the passage of this act.

Access to
records,
etc.

§ 10. The said commissioners shall at all times have access to all records, maps, documents and accounts in the custody of any of the public officers of said county, and such officers

shall, upon the requisition of the president of said board of commissioners, furnish such copies and statements therefrom as may be necessary to enable said board to discharge the duties imposed by this act. Any such officer so furnishing any such copy or statement shall be allowed and paid reasonable compensation therefor to be fixed by the board of supervisors of the county of Queens, and such compensation shall be a county charge. The said commissioners shall each receive as compensation for the service required to be performed by the foregoing section of this act the sum of fifteen hundred dollars per annum, which said compensation shall be a county charge and shall be paid quarterly on the audit of the board of supervisors of said county. Said commissioners shall have power to employ clerks to aid and assist them in the performance of their duties under this act, the number of such clerks and their compensation to be determined by the board of supervisors of the county, upon request of said commissioners or a majority of them, and the compensation of said clerks shall be a county charge and shall be paid at such times and in the manner directed by the board of supervisors of the county, out of the contingent fund of the county.

Furnishing of copies and statements to commissioners.

Compensation of commissioners.

Clerks and assistants.

§ 11. The said board shall have power and it shall be their duty upon the written application of any owner or person having an interest in or lien upon the whole or any part of any parcel of land as to which the said board shall have fixed and certified the amount of a tax, assessment and lien under the provisions of sections two and three of this act, and upon satisfactory proof of the ownership, interest or lien of such applicant, at any time before the payment of such amount or before the sale on account of the same as hereinbefore provided, to equitably apportion the said amount upon and between such subdivisions of said parcel as in their judgment it shall be necessary and proper to make, and shall cause the assessment map to be altered so as to show such subdivisions and to give a new number to each of the same, and shall thereupon certify to the county treasurer, in the form and manner directed in section three of this act, the amount of said tax, assessment and lien fixed and approved by them upon and against the said several subdivisions, and thereupon the said several amounts shall stand in the place of the amount

Apportionment of amounts upon subdivisions of parcels.

Alteration of assessment map.

Certification of amounts to treasurer, etc.

originally fixed and certified and as of the date of such original certificate, with the same force and effect and be payable and collected in the same manner as if the said several amounts had been fixed and certified in the first instance against such subdivisions.

Vacancies
in commis-
sion.

§ 12. In the event of a vacancy in said board of commissioners by death or resignation, the same shall be filled by appointment by the board of supervisors of the county. All expenses incurred in the execution of this act not herein expressly provided for shall be a county charge and levied and collected and paid the same as other county charges.

Expenses.

§ 13. This act shall take effect immediately.

Chap. 309.

AN ACT to authorize the board of education of Union Free School District Number One of the town of Eastchester to issue its bonds for the payment of existing indebtedness.

BECAME a law April 16, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue and
sale of
bonds.

Section 1. The board of education of Union Free School District Number One of the town of Eastchester, is hereby authorized to issue bonds of said school district in denominations of not less than five dollars each, to an amount not exceeding five thousand dollars, which will bear interest at a rate not exceeding six per centum per annum, payable semi-annually. The principal of said bonds shall be payable at such times, not less than ten nor more than twenty years from the date of issue as the said board may determine, and the proceeds from the sale thereof shall be applied in payment of the existing indebtedness of said school district. Said bonds when issued shall be signed by the president of the board of education and treasurer of said district, and shall be valid obligations of the school district; they may be sold at public or private sale as the board of education shall determine, at the best price obtainable, but not less than par. To provide for the interest and principal of said bonds as the same become due and payable, the said board of education shall cause to be raised in the annual tax levy, from the taxable

Tax for in-
terest and
principal.

property in said school district, the amount required for such purpose in any one year; and, when paid, said bonds shall be cancelled by said board. Due entry of the issuance of said bonds shall be made in a book kept for such purpose by the treasurer of said school district who shall take receipt for the payment of any moneys arising from the sale of said bonds as the same shall be made and applied to discharge the indebtedness of said school district.

§ 2. This act shall take effect immediately.

Chap. 312.

AN ACT to incorporate the Chautauqua Baptist association.

BECAME a law April 16, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The duly elected representatives of the Baptist churches of Chautauqua county and contiguous territory, which formerly constituted the Harmony Baptist association and the Erie Baptist association, heretofore consolidated into the Chautauqua Baptist association, and the duly elected representatives of such other Baptist churches as may hereafter become entitled to representation therein, shall be and hereby are constituted a body corporate by the name of the "Chautauqua Baptist association."

§ 2. The object of said corporation shall be to collect and preserve the annual statistics of the churches, to promote their spiritual growth and fellowship, their unity of faith and practice, to assist financially or otherwise the feeble and dependent churches, to sustain missionary work in said territory, to aid its disabled ministers and the widows and orphans of such ministers, and to secure union of effort in advancing the interests of Christianity.

§ 3. The said corporation shall have power to receive, hold, purchase, take by donation, deed, devise or bequest any real or personal property, absolutely or in trust, which has been, or may hereafter be purchased, given, granted, devised or bequeathed to it by any person whomsoever, for the purpose stated in section two, and to receive, accumulate and hold in

trust endowment funds, and make investments thereof whenever it seems advisable, and the said corporation shall also be competent to act as trustee in respect to any devise or bequest pertaining to the object of its incorporation, and such trusts may continue for such time as may be necessary to accomplish the purpose for which they may be created, subject, however, in receiving bequests from persons in the State of New York, to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An act in relation to wills," and provided, also, that the annual income of any or all of such property held by it at any one time shall not exceed the sum of twenty-five thousand dollars.

Meeting.

§ 4. The annual and other meetings of said corporation may be held at such time and place as the corporation may by its by-laws or vote provide.

General powers.

§ 5. The said corporation shall also possess the general powers specified in the general corporation law.

Chap. 313.

AN ACT to amend chapter four hundred and fifty of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the annexation to the city of Brooklyn of the town of Flatlands, in Kings county."

Accepted by the city.

BECAME a law April 16, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section one of chapter four hundred and fifty of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the annexation to the city of Brooklyn of the town of Flatlands, in Kings county," is hereby amended so as to read as follows:

Territory annexed to city.

§ 1. All that territory now comprised within the limits of the town of Flatlands, in the county of Kings, with the inhabitants therein, is hereby annexed to, merged in and made a part of the city of Brooklyn, in the said county of Kings, and it shall hereafter constitute a part of the said city of Brooklyn, and shall hereafter be known as the thirty-second ward of said city, and

shall hereafter be subject to and governed by the same laws, ^{City laws applicable.} ordinances, rules, regulations, and entitled to the same rights, franchises and immunities as the said city of Brooklyn, as constituted at the time this act takes effect.

§ 2. This act shall take effect on the first day of January, ^{When takes effect.} eighteen hundred and ninety-six.

Chap. 314.

AN ACT to incorporate "The Harbor Provident Association of Buffalo, New York."

BECAME a law April 16, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Willard F. Mallalieu, George V. Forman, Edgar ^{Corpora-}
B. Jewett, George E. Matthews, Joseph Campbell, Frank S.
Oakes, John Gordon, James Fenton, Frank A. Board, Benjamin
C. Williams, Chilion M. Farrar, John N. Goltra, Henry Bond,
Harvey D. Blakeslee, Olin G. Rich, George Rice, William H.
Britton, Jr., Solomon Ford, Samuel S. McGerald, John E. Wil-
liams, William H. Collins, Robert K. Smither, Arthur D. McGer-
ald and Frederick W. Bartlett, together with such persons as
they may associate with themselves and their successors, are
hereby constituted a body corporate by the name of "The Harbor ^{Corporate}
Provident Association of Buffalo, New York," for the purpose ^{name and}
of furnishing temporal and spiritual aid to the poor, the sick ^{objects.}
and infirm, and the needy, whom said association shall deem in
need and worthy of such assistance.

§ 2. The association hereby formed shall have authority to ^{Powers of}
receive money and property, personal or real, by bequest or ^{associa-}
otherwise; to use the same for purposes mentioned in section ^{tion.}
one of this act; and shall have all the powers and be subject
to all the restrictions provided by the general corporation law,
so far as applicable thereto. It may contract debts at a rate
not exceeding the legal rate of interest, in the purchase of
property for its own use. The persons named in the first section
of this act, or a majority of them, shall hold a meeting and ^{Organ-}
organize the association and adopt a constitution and by-laws ^{ization of}
not inconsistent with the constitution and by-laws of this ^{sociat-}

Constitution.

State. The constitution shall prescribe the qualifications of members of the association; the manner of electing members; the number and manner of choice of the members of the board of management, by whom the business and affairs of the association shall be conducted, the time and place of the stated meetings of such board, and the requisite number to constitute a quorum for the transaction of its business; the different departments under which the work of the association shall be conducted; the powers, duties and qualifications of the officers of the association and the manner of their election; and it may contain any other provision necessary for the management of the property and regulation of the affairs of the association.

Compensation and liability of members.

No member of the board of management or of any of its committees shall receive any compensation for such services, nor shall any member of the board or of a committee, or any subscriber, be personally liable for any debts contracted by the association.

§ 3. This act shall take effect immediately.

Chap. 315.

AN ACT to amend and consolidate the several acts relating to the village of Ilion.

BECAME a law April 16, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Boundaries.—The territory comprised within the following limits shall constitute the village of Ilion: Beginning at a stake and stones, situate in the lands of John H. Myers, at a point fourteen chains distant from the northernmost corner of lands formerly of Ezekiel Spencer, measuring from the south bank of the Mohawk river, in a course sixty-five degrees thirty minutes west; running thence north fifty-seven degrees twenty minutes west, to a point in the south bank of the Mohawk river where the line of the east bounds of the highway running by Charles Barringer's extended northerly intersects said river; thence southerly along said line and along the east bounds of said highway to the division line between the lands

formerly of James Furman and of Loren Delong; thence easterly, in a direct line to a cherry tree, the former southwest corner of said village; thence south sixty-seven degrees east, thirty-six chains to the Ilion and Cedarville plank road; thence north eighty-seven degrees fifteen minutes east, ninety-seven and four-one-hundredths chains, to a stake and stones a few rods southwest of John H. Myers' dwelling house; thence north twenty-three degrees east, thirty chains to the place of beginning, containing about one and one-half square miles of land, situate in the town of German Flats, in the county of Herkimer.

§ 2. Powers of corporation.—The inhabitants of said village shall be a corporation by the name of the village of Ilion, and may sue and be sued, complain and defend, in any court, make and use a common seal and alter it at pleasure; and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real and personal estate as the purposes of the corporation may require; and may take and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks and gardens, library, or other public use, and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor, and accepted by the corporation; and it may provide for the proper execution of such trusts, and it may do every thing necessary to carry into effect the powers granted to it.

§ 3. Officers.—The officers of the said village shall be:

1. A president, and four trustees who shall comprise the board of trustees of said village.
2. A clerk.
3. A treasurer.
4. A collector.
5. Five water commissioners who shall constitute the board of water commissioners of said village.
6. Five sewer commissioners who shall constitute the board of sewer commissioners of said village.
7. Three street commissioners who shall constitute the board of street commissioners of said village,
8. Three assessors.
9. A police justice.
10. A chief of police.
11. A chief engineer.

12. Five library trustees who shall constitute the board of trustees of the Ilion free public library.

§ 4. Qualifications of officers.—The president and trustees shall all be residents of and freeholders in said village, and the president and trustees, together with the assessors, treasurer and police justice shall all be elected by ballot by the electors of said village, and the clerk, collector, chief of police and chief engineer shall be appointed by the board of trustees of said village, and the officers so appointed shall hold their offices, respectively, during the pleasure of the board of trustees and until their successors shall have been appointed and have qualified. The sewer commissioners shall possess all the qualifications and shall have all the powers and be subject to all the duties, liabilities and responsibilities, and shall be appointed, as required and provided in the general village sewer act of eighteen hundred and eighty-nine and the laws amendatory thereof and supplementary thereto; and the water commissioners shall possess all the qualifications and shall have all the powers and be subject to all the duties, liabilities and responsibilities, and shall be elected, as required and provided in chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, being the general act authorizing villages to furnish pure and wholesome water to the inhabitants thereof, and the laws amendatory thereof and supplementary thereto.

§ 5. Officers to be residents.—No person shall be eligible to any office unless he shall at the time be a resident and an elector of said village; and whenever any officer shall cease to be a resident of said village his office shall thereby become vacant.

§ 6. Qualifications of electors.—At all elections of officers in said village, every person qualified to vote for town officers in the town in which said village, or any part of said village, is or shall be situated, may vote for all the officers to be chosen by ballot. The persons eligible and having the greatest number of votes shall be declared duly elected.

§ 7. Notification of election.—Every person elected at any such election whose name shall have been entered as a voter on the poll-list kept thereat, shall be deemed notified of his election; and every person so elected whose name shall not have been so entered, shall be notified of his election within ten days thereafter by the clerk of said village.

§ 8. Time and notice of election.—The first election of officers under this act shall be held on the first Tuesday in March, next after it shall go into effect, and the annual election shall be held thereafter on the first Tuesday in March in each year at such places in said village as shall be designated by the board of trustees, and one week's notice of such election, and the places thereof, shall be given by publishing the same in all the newspapers printed in said village; and in case there shall be no such newspapers printed, then by posting such notice in six public places in said village.

§ 9. Inspectors of election.—The president and the trustees of the village shall be inspectors of election, and they, or any one of them, shall preside at all elections; and in case none of them shall be present, the electors in attendance may elect a chairman to preside. The presiding officer or officers at such election are authorized and required to preserve order, to administer oaths to persons offering to vote touching their qualifications to vote as electors, to canvass the ballots, declare the persons elected by the greatest number of votes, and to file a statement thereof with the clerk of said village.

§ 10. Oath of office.—Every person, except the police justice, who shall be elected or appointed to any office, shall, before he enters upon the discharge of the duties thereof, take and subscribe such oath or oaths as are or may be required by the constitution of the State, which shall be filed with the clerk of the village, and which may be taken before and certified by any officer authorized to administer oaths.

§ 11. Failure to take and file oath.—If any person, except the police justice, who shall have been duly elected or appointed to any office in said village shall for five days after having been notified of such election or appointment, neglect or refuse to take the oath or oaths of office, or to file the same with the clerk of said village, his office shall thereupon become vacant.

§ 12. Vacancy, how filled.—If any vacancy shall occur in any office in said village, the board of trustees may appoint an elector of said village, having the other requisite qualifications, to fill the vacancy, and the person so appointed shall hold his office, if an elective one, until the next annual election and until his successor shall have qualified.

§ 13. Board of trustees, meetings of.—The board of trustees shall meet annually on the first Wednesday after the annual village election at eight o'clock in the evening, and they shall meet at such other times as they shall by resolution direct. Special meetings may be called by the president or by the clerk, on the written request of two trustees, at such time as a written notice, to be served on the president and trustees, shall direct. This notice shall be served personally at least one hour before the time of meeting. All meetings of the trustees shall be public and shall be held at the trustees' rooms in said village.

§ 14. Election of board of trustees and treasurer.—At the first election of officers under this act, and at every annual election of officers thereafter, there shall be elected a president and a treasurer, who shall hold their offices for one year, and two trustees, who shall hold their offices for two years, from and after the time of their election.

§ 15. Presiding officer and quorum.—The president, when present, shall preside at all meetings of the board, and shall have a vote on all questions; in his absence, any trustee may be appointed president for the time being. A majority of the board shall constitute a quorum for the transaction of business.

§ 16. Powers and duties of board of trustees.—The board of trustees, except as herein otherwise provided, shall have the care, management and control of the finances and property and the custody of the records and papers and the seal belonging to the corporation; and may keep all buildings and other property of the corporation in repair and insure against damage or loss by fire. The said board shall have power as to acts and matters within the corporate bounds, and it shall be their duty:

1. To appoint the several officers whose offices are held by appointment as herein provided, and to fill vacancies in office as herein provided.

2. To appoint a suitable person to keep a poll-list at any meeting of the electors of said village, where such poll-list shall be required to be kept, and the clerk shall not attend.

3. To call special meetings of the electors of the village whenever the same shall be deemed necessary by the board.

4. Except as herein otherwise provided to examine and audit all accounts and claims against the village, and draw warrants on the treasurer for the payment of the same.

5. To fix the amount of bonds required by this act to be given by the several officers herein named, and to decide upon the form thereof and the sufficiency of the surety or sureties. To fix the compensation of the officers of the village as herein provided.

7. To give notice in the manner prescribed by law of the annual and special meetings of the electors, which notice shall specify the officers to be chosen thereat; and to preside at such meetings.

8. To present to every annual meeting a detailed statement, signed by them, showing when and from what sources all moneys paid into the treasury of said village during the preceding year have been derived, and when, to whom and for what purposes all moneys paid from such treasury during the same period have been paid, and how much remains on hand; the names of all persons from whom any sums are due on account of taxes, assessments, expenses of building sidewalks or other purposes, and the amounts due from them respectively, which statement shall be filed with the clerk.

9. To present to every annual meeting a detailed statement of the estimated expenses of such village for the ensuing year, to meet which taxes may be lawfully raised, specifying each item of anticipated expense which statement shall be filed with the clerk.

10. To carry into effect every resolution adopted by any meeting of the electors of said village duly convened, which such meetings shall have authority to adopt.

11. To issue warrants for the collection of taxes and assessments assessed in the said village, and for the collection of the expenses of opening, altering or widening streets, or making or repairing sidewalks of the owners of lots on which such expenses shall be a lien, which said warrants shall be returnable in sixty days from the time of the issuing of the same; and, in their discretion, to renew such warrants once only, and for the period of not more than thirty days.

12. To execute leases of real estate leased by them to satisfy such taxes, interest or expense charged thereon and not collected by virtue of such warrants.

13. To enter, or to authorize others to enter, in the day time, when, in their judgment, the interests of said village shall require it, any building in such village in which there shall be a fire-place, stove, or stovepipe, for the purpose of examining the same,

and to make such regulations in respect thereto as a proper security against fire shall, in their judgment, require.

14. To compel every male resident of said village of the age of sixteen years or upwards, attending any fire in the village, to assist in extinguishing the same when required by the president, any trustee, the chief engineer or by any officer of a fire company or hook and ladder company in said village.

15. To audit and allow the necessary expenses of procuring said village to be incorporated or its charter to be amended, and to employ and compensate counsel for legal advice or for professional services in conducting suits in behalf of said village.

16. To perform all duties imposed on them by this act, or by any other law of this State.

17. To declare and define the duties and manner of discharging the same of all officers of the corporation whose duties are not specially prescribed by this act, and to add to the duties of those officers whose duties are thus prescribed, if the board of trustees deem necessary.

18. To establish and maintain a police, to prescribe their powers and duties, and to erect and maintain a lock-up, or designate a place for the detention of persons arrested under this act, or under any by-law, rule or ordinance of said village, and to confine said persons therein.

19. To establish and maintain a public pound and keeper thereof, and to regulate his compensation and fees.

20. To provide for the lighting of the streets, alleys and public places in said village.

21. To erect and maintain fire engine houses, hook and ladder and hose houses.

22. To provide for the purchasing and repairing of fire engines, hooks and ladders, hose carts, hose and all other necessary apparatus for the same.

23. To protect property, both real and personal, at times of fire, and appoint guards for the protection of the same, and to prescribe their powers, duties and compensation.

24. To provide for the repair, management and care of any church or public clock within said village.

§ 17. Regulations, ordinances and by-laws.—The trustees of said village shall also have power, and it shall be their duty to

make, publish, amend and repeal regulations, ordinances and by-laws not inconsistent with the laws of this State or of the United States, to carry into effect the provisions of this act, and of other laws applicable to such village, and the powers vested in any officer thereof, and to prescribe penalties for each violation of any such regulation, ordinance or by-law; and, among others, for the following purposes:

1. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblies, and regulate the police of said village.

2. To restrain, suppress and prohibit disorderly drinking, tippling and gaming houses, and to suppress and prohibit all gaming and fraudulent devices within said village.

3. To prohibit, restrain and regulate all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical and other shows and exhibitions, circuses or other performances, for money or hire, and to grant licenses and authorize the same on such terms as the trustees may deem expedient.

4. To suppress and restrain disorderly houses, houses of ill-fame, gaming tables, bowling-alleys, pistol galleries, the playing of cards or games of chance, pool-playing by minors, horse racing, immoderate driving on the streets or public places of said village, and to provide for the destruction of all instruments and devices employed in gaming.

5. To compel the owner or occupant of any grocery, tallow chandler's shop, soap factory, tanning mill, privy, sewer or any other unwholesome, offensive or nauseous house, place or thing, to cleanse, remove or abate the same, from time to time, as often as in the opinion of the board of trustees it may be necessary, for the health, comfort or convenience of the inhabitants of said village.

6. To regulate or prohibit the erection, keeping or using of slaughter houses or pigsties, or the keeping of swine in said village; to regulate the location of markets and houses or places for storing gun powder or other explosive material, or volatile and inflammable substance; and to regulate the conveying and keeping of gun powder and other explosive or dangerous materials, and the use of candles or lights of any kind, or fires, in barns and stables and other places liable to take fire.

7. To prevent the flying of kites, rolling of hoops, playing ball,

sliding down hill on sleds, the riding of bicycles or other wheeled vehicles on the sidewalks, or any other practice or amusement having a tendency to injure or annoy persons passing on the street or sidewalks, or to frighten teams of horses in said village.

8. To prevent the encumbering of the streets, squares, sidewalks, cross-walks, lanes and alleys or other public places with teams, carriages, lumber or any other material whatsoever.

9. To compel persons to remove snow, ice, dirt or other substances from the sidewalks opposite to and on the same side of the road with lots owned or occupied by them.

10. To compel persons to remove dead animals and stagnant water from their premises, and to require the removal from the village of all persons not resident thereof, having infectious or pestilential diseases, and to authorize any officer of said village to remove such person.

11. To determine what are nuisances and to provide for their abatement; and to regulate the construction of chimneys, and to prevent the setting up, or to require the removal of pipes, chimneys, boilers and ovens deemed dangerous, and to prohibit and regulate the deposit of ashes or garbage.

12. To restrain, regulate or prohibit cattle, horses, sheep, swine, geese or other animals from running at large in said village, and to provide for the distraining, impounding and sale of such animals so running at large, in violation of any regulation of said board of trustees, for the penalty, expenses and proceedings.

13. To provide by ordinance or resolution, when, how and in what manner, any gas, water or electric-light, electric-power, telephone or telegraph, or street railway, company, either electric or otherwise, or any of their officers or employes, or any other person or corporation, may disturb, dig up, or in any manner interfere with, the streets, lanes, alleys, parks or public grounds of said village, or any portion of the materials or soil thereof; and when, how, and in what manner, and on what conditions, they may lay pipes, drains, erect poles, or place or maintain any other thing or material in, upon, under or over the surface of any of said streets, lanes, alleys, parks, or public grounds of said village; and to prohibit any interference with said streets or other public places in said village, or the laying of any pipes or drains, erecting of poles, or the placing or maintaining of any

other material or thing in, upon, under, or over the surface of said streets or other places in said village, and to prescribe and enforce a penalty for the violation of any such ordinance or resolution.

14. To regulate or prohibit the exhibition of fire works, the explosion of gun powder or other explosive materials, the discharge of fire arms and the making of bon-fires within said village.

15. To provide for the setting out and preservation of shade and ornamental trees, in and upon the streets, public grounds, and cemeteries of said village, and to prevent injury to the same.

16. To provide for the construction and preservation of fences around the public grounds, cemeteries in said village and prevent injury to said fences, or any injury or defacement of any tomb, monument, tree or plant in said cemetery.

17. To make regulations for the licensing, prohibition or government of public places and resorts, and to punish drunkenness or any disorderly conduct in the streets of said village; and restrain and punish vagrants, beggars, prostitutes and disorderly persons. To prohibit the gathering or assembling of persons upon the public streets or other public places of said village, the congregating upon the corners thereof, or at the entrance to public places therein, or disturbing any legally organized assemblage in said village; and to authorize the police of said village to disperse all such gatherings or assemblages of persons, and upon the refusal of persons so congregated or assembled to disperse when commanded so to do by any police officer, or to desist from the disturbance of any such assemblages, under regulations prescribed by the board of trustees of said village, such police officer may make summary arrest of any person or persons so refusing and bring them before the police justice of said village, to be dealt with according to law.

18. To regulate the numbering of the houses, buildings and lots of the streets, avenues, alleys and public places in the village, and the naming of the streets, avenues, and alleys, lanes, courts and public places therein.

19. To regulate the use of streets and sidewalks for signs, sign-posts, awnings, awning-posts, hitching-posts, horse troughs and public fountains.

20. To regulate, license and restrain hawking and peddling in the streets of said village, and to regulate and restrain the exhibition and circulation of advertisements and hand bills.

21. To regulate or prohibit swimming or bathing in the waters in or surrounding the village, and to establish and regulate public baths and bathing places.

22. To regulate, prohibit or prevent the ringing of bells (other than church bells for divine service), blowing of horns, and the making of any improper and disturbing noises in said village.

23. To require the owner or lessee of any public hall or public house, before being let for public use, to obtain from the board of trustees a written annual permit, which shall be granted, provided such hall or public house has suitable and safe means of ingress and egress in case of panic or fire, but not otherwise; provided, however, in such case no liability shall be incurred by said village by reason of such license or permit.

24. To require persons driving horses with sleighs or cutters to carry ringing bells either upon the horse, sleighs or cutters.

25. To make regulations for taxing and confining dogs, and preventing the same from running at large, and for destroying such as may be found running at large contrary to any ordinance.

§ 18. Penalties.—The trustees shall have power to enforce all the provisions of this act, and all ordinances, by-laws and regulations enacted by them in pursuance of the provisions of this act, by imposing penalties to be incurred for every violation of the same, not exceeding one hundred dollars for any one offense, to be sued for and recovered with costs in any action in the corporate name of the village, in any court having cognizance of the same; and no persons shall be deemed incompetent, either as justice, juror or witness, by reason of his being an inhabitant of said village, upon any trial for the recovery of said penalty.

§ 19. Fire limits.—The board of trustees shall have power to guard against calamities by fire, and for such purpose to prescribe by ordinances, regulations or by-laws, the limits in said village within which wooden buildings shall not be constructed, reconstructed, enlarged or placed, without the written consent of the board of trustees, and to direct that all or any buildings within the limits prescribed shall be constructed, reconstructed, or enlarged, of and with stone, brick or metal, with partition walls, fire-proof roofs, and brick, stone or metallic cornices and

cavestroughs; and to prescribe penalties not exceeding one thousand dollars for each violation of such regulations, ordinances and by-laws.

§ 20. Publication of ordinances, et cetera.—Every such ordinance, regulation or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall take effect at such time after the passage and publication thereof, as shall be herein provided, and shall be published at least two weeks successively, in a newspaper printed and published in said village; and proof of such publication by the affidavit of the printer or publisher of such paper, taken before any officer authorized to administer oaths, shall be filed with the clerk of said village; and such affidavit, or a copy thereof, certified by the clerk of the village, shall be sufficient evidence of the legal publication and promulgation of such ordinances, regulation or by-law, in all courts and places; and such publication may be proved by any other competent evidence.

§ 21. Enforcing penalties.—All actions or proceedings to recover or enforce any penalty, fine or forfeiture incurred under this act or the ordinances, by-laws, rules, regulations or resolutions made in pursuance thereof, may be had and taken before the police justice of said village or officer performing the duties of his office as hereinafter provided, or before any court of civil jurisdiction, in accordance with the rules thereof within this State; and the said police justice or court shall have jurisdiction to hear, try and determine the same and enter judgment therein. And in any such action or proceeding brought before the police justice of said village the first process may be by summons or by warrant, and execution may be issued immediately upon the rendition of judgment. If the defendant in any such action or proceeding has no goods or chattels, lands or tenements whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in the jail of Herkimer county for a term to be fixed by the said police justice, officer or court not exceeding one day for each one dollar of such judgment. All such actions and proceedings shall be brought in the corporate name of said village, and it shall be sufficient to declare or complain generally for such penalty or forfeiture, stating the section of this act or the by-law, rule, regulation, ordinance or resolution under which the penalty or forfeiture is claimed and to give the

special matter in evidence. The defendant may plead or answer, denying generally the allegation declared or complained of, and give the special matter in evidence also.

§ 22. Duties of president.—The president shall be the executive officer of the village, and it shall be his duty to receive complaint of any violation of this act or of any of the by-laws, rules, regulations or ordinances of said village and to see that the same are faithfully executed and observed and to prosecute in the name of the village for all offenses against the same.

§ 23. Duties of the clerk.—It shall be the duty of the clerk of said village to keep the books, papers and records belonging to said corporation, and to record in a book to be provided for that purpose the rules, votes, orders, regulations and proceedings of the electors at their annual and special meetings, and also all the by-laws, votes, ordinances and proceedings of the board of trustees; to notify officers of their election or appointment, and to perform such other duties as the board of trustees may from time to time require of him. Said clerk shall also act as the clerk of the board of street commissioners, and shall perform the same duties with reference to the board of street commissioners as are required of him by this act with reference to the board of trustees. And the board of trustees may allow him such compensation for his services as they shall deem proper. But none of the board of trustees shall receive any compensation for their services under this act.

§ 24. Treasurer.—The treasurer, except as herein otherwise provided, shall receive all the moneys belonging to the village, and keep an accurate account of all receipts and expenditures. All moneys drawn from the treasury, except as herein otherwise provided, shall be drawn in pursuance of an order of the board of trustees, by warrant signed by the clerk and countersigned by the president. The treasurer shall exhibit and report to the board of trustees once in each year, and oftener as they may require, a full and detailed account of the receipts and expenditures and of the state of the treasury. He shall deposit all funds belonging to said village under his charge in such bank or banks as the board of trustees may from time to time prescribe, and all interest or other profit growing or arising out of such deposit shall be paid by him into the village treasury and accounted for to the board of trustees. The board of trustees may exact from

the bank or banks of deposit such security as they shall deem proper. He shall receive such compensation for his services as the board of trustees shall prescribe. He shall, before entering upon the duties of his office, and within ten days after being notified of his election or appointment, give a bond to the village by its corporate name, for the faithful discharge of his duties, and the payment over to his successor of all moneys remaining in his hands, to be approved by the board of trustees as to form, number and sufficiency of sureties and amount, to be fixed by the board of trustees at not less than double the amount of total receipts by the treasurer during the preceding year; and the said bond, when approved, shall be filed with the clerk of the village.

§ 25 Village collector.—The collector shall collect and receive all taxes and assessments, for which the warrant of the board of trustees, subscribed by the president and countersigned by the clerk, shall be delivered to him, and within the time specified in such warrant, and shall pay the same into the hands of the treasurer without delay and take receipt for the same, and make return to the clerk of the amount of taxes collected by him and paid over to the treasurer, and of all taxes unpaid. The collector shall give a receipt to the clerk for the warrant and tax-rolls delivered to him on his receiving the same. Before entering upon the duties of his office, and within ten days after the notification of his appointment, the collector shall make and execute a bond to the village by its corporate name, with such sureties and in such an amount as shall be prescribed by the board of trustees, and conditioned that he will faithfully execute the duties of his office and account for and pay over all moneys received by him, according to law, which shall be approved by the board of trustees as to its form, amount and the sufficiency of the sureties, and shall be filed with the clerk of the village.

§ 26. Assessors.—At the first meeting for the election of officers under this act there shall be elected one assessor, who shall serve for three years from the time of his election; and thereafter there shall be elected at each annual meeting one assessor, who shall hold his office three years and until his successor shall be qualified. Each assessor shall receive for his services such compensation as the board of trustees may allow, not exceeding two dollars per day for the time actually spent in the performance of his duties.

§ 27. The assessors shall perform all the duties in relation to the assessment of property in said village for the purposes of village taxation, which shall be subject to such taxation, in the same manner as town assessors; and their assessment-roll shall include the names of all persons in said village who are liable by the laws of this State to be assessed for highway labor. They shall complete their assessment-roll of real and personal property liable to taxation, as aforesaid, and including such list of persons liable to be assessed for highway labor, and give notice of the time and place at which they will meet to review said roll on or before the fifteenth day of May in each year; and they shall meet for such purpose not later than the twenty-fifth day of May next ensuing; and said assessment-roll shall be completed, certified and filed with the clerk of the village on or before the first day of June in each year.

§ 28. Police justice.—At the annual election of officers under this act, to be held on the first Tuesday of March, eighteen hundred and ninety-six, and at every fourth annual election thereafter, there shall be elected a police justice, who shall hold office for four years from and after the first day of April next ensuing his election. Such police justice shall have, within the village, and in cases where the alleged crime or misdemeanor shall have been committed within the village, exclusive jurisdiction, except as hereinafter provided, to issue all warrants or other process, hear and determine all complaints and to conduct all examinations and trials in criminal cases that may now by law be had by or before a justice of the peace or before a court of special sessions; and shall have the same power and jurisdiction in such criminal cases that justices of the peace now have by law, or which may hereafter be conferred upon them, and shall also have jurisdiction in all cases of violations of ordinances, by-laws or regulations of the village of which he is police justice. He shall also have authority to administer oaths in verification of accounts and claims against the village, but shall have no other civil jurisdiction. He shall receive for his services an annual salary of five hundred dollars, payable monthly, which may be altered or changed by the board of trustees from time to time, but which shall not be increased or decreased during his term of office, but he shall not retain to his own use any costs or fees. Said justice shall be subject to the same liabilities, and his judgments and pro-

ceedings may be reviewed in the same manner and to the same extent as now by law provided in case of justices of the peace or courts of special sessions. It shall be the duty of the several justices of the peace of the town of German Flats, during the sickness, absence from the village or inability to act of the said police justice or during a vacancy in said office, to render the same services and perform the same duties, and they shall be entitled to receive the same fees therefor as though no police justice has been elected or appointed in such village. But it shall not be lawful for said justices of the peace to make any charge against such village or the town or county in which the same is situated for services rendered in or respecting criminal cases, trials or examinations in such village, or where the subject-matter thereof arose in such village, except during the sickness, absence from the village or inability to act of the said police justice, or during a vacancy in said office. Such police justice shall be entitled to demand and receive the same fees and compensation for his services that justices of the peace are or may be by law entitled to receive. But such fees and compensation shall be paid over by him within thirty days after their receipt to the treasurer of said village. All fines and penalties recovered before said police justice shall be paid over by him to the treasurer of said village within thirty days after the receipt thereof by him. The clerk of said village shall, within ten days after the election or appointment of such police justice certify such election or appointment to the clerk of Herkimer county; and the person so elected or appointed shall, within ten days after being notified and before entering upon the duties of his office, take and subscribe before said county clerk the oath or oaths required by law of justices of the peace, and he shall also, within said ten days and before entering upon the duties of his office, execute and file with the clerk of the village the bond or undertaking now or hereafter required of justices of the peace, said bond to be approved as to its form and the sufficiency of its sureties by the board of trustees. Every neglect to take and subscribe such oath or oaths and to execute and file such bond, shall be deemed a refusal to serve.

§ 29. It shall be the duty of said police justice to provide a suitable book, and therein to enter and keep a record of the several complaints made before him in which a warrant or other

process for the arrest of any person accused shall be granted, and of all cases in which the offender or person accused shall be brought before him without process, which record shall contain, under the proper data, a brief statement of the names of the parties the nature of the offense charged, the action of the said police justice thereon, and an accurate account of all fines, penalties and costs imposed or collected by him, or which may be ordered to be paid by any offender, and annually, at least two weeks before the time appointed for holding the charter election of said village, and oftener when required by resolution of the board of trustees, he shall make a report in writing to the clerk of the village of all fines, penalties and costs imposed and collected by him.

§ 30. If a vacancy shall occur otherwise than by expiration of term in the said office, the board of trustees shall order an election to fill such vacancy at the next annual election for village officers, and in the meantime must fill the vacancy by appointment. No person shall be eligible to such office who shall be at the time a justice of the peace of the town of German Flats.

§ 31. Imprisonment.—In all cases of imprisonment of persons charged with the commission of any offense, or under sentence on conviction of any offense within the jurisdiction of the police court of said village, such imprisonment shall be in the county where such offense was actually committed, or in the penitentiary nearest such village, unless the county in which such offense was committed has a contract with some penal institution, in which case the imprisonment, if not in such county, shall be in the penal institution with which there is such contract.

§ 32. Civil jurisdiction.—The civil jurisdiction of police justices within said village shall be limited to cases in which said village is a party in interest. All the provisions of sections twenty-eight, twenty-nine, thirty, thirty-one and thirty-two, of this act, shall from and after the time it shall take effect, apply to the police justice, now in office in said village, during the remainder of his term, and to the police court therein, and to the jurisdiction, powers and duties of justices of the peace within said village, and their jurisdiction, powers and duties as to offenses committed therein.

§ 33. Police.—The board of trustees may appoint not exceeding three policemen, who shall constitute the police of the village of Ilion, and who shall enter on the discharge of their duties as soon after their appointment as they shall have qualified as herein provided, not exceeding ten days after their said appointment. The board may also appoint extra policemen, when deemed necessary, not exceeding five who shall serve for such time as the board may deem necessary, not exceeding ten days, unless otherwise authorized by the board of trustees. Any policeman, who, during his service as such, shall become intoxicated shall be dismissed from further duty, and shall be ineligible to reappointment. The board of trustees shall also have power to appoint special policemen, who shall possess the same powers and be subject to the same liabilities as regular policemen, for the benefit of any person, society or corporation, for lawful purposes, at the expense of the person, society or corporation desiring such appointment, but without any expense or liability whatever on the part of the village.

§ 34. The policemen shall receive for their services such compensation as shall be fixed by the board, not exceeding in any case, except as herein provided, fifty dollars per month. The board shall select from the policemen appointed by them, one who shall be chief of police, whose duty it shall be, under the direction of the board, to superintend the police department in said village, of which he shall be chief executive officer. He shall keep a record in a book of all cases and legal proceedings in his department, and of all services performed by him and the several policemen, and of all such fees as are allowed to constables in towns for like services. He shall, at least once in every month, report to the board the state of his department, and particularly of such fees, and whether any member of his force are delinquent in their duties. The compensation of the chief of police shall not exceed sixty dollars per month.

§ 35. The chief of police and each policeman and special policeman, shall, before entering upon the discharge of his duties, take and subscribe and file in the office of the village clerk, the constitutional oath or oaths of office and execute a bond, to be approved by the board of trustees, conditioned for the faithful performance of his duties, and the accounting for all moneys received by him in his official capacity, and he shall hold his

office during good behavior; any of them may be removed by the board on proof of charges preferred before them in writing of illegal, corrupt or otherwise improper conduct or neglect of duty, on which the accused has had an opportunity to be heard in his defense; and, pending such charges, the board may suspend the policeman or chief of police accused from pay and duty. The board may also, for disobedience of their orders or other offense not involving corrupt or criminal conduct, suspend temporarily from duty, pay, or both, the chief of police or any policeman.

§ 36. The chief of police and policemen appointed in pursuance to this act, shall have the same power and authority which, in criminal case, a constable possesses by law, and shall have the same power and authority which a constable possesses in civil cases and proceedings, so far as serving and executing all process and papers in behalf of the corporation of the village of Ilion, or in any which it is concerned, but not otherwise; and the chief of police shall, under the direction of the board of trustees, have the same power and authority in criminal cases arising within the village that the sheriff of Herkimer county now possesses. The chief of police and policemen shall be subject to the same liabilities and perform the same duties as constables, except as herein otherwise provided. They must execute the orders and commands of the police justice of said village and of all the courts held by him, and shall convey all persons sentenced by him to jail, to the penitentiary, or the house of refuge, or other place of imprisonment or commitment, and they shall serve or execute all civil process or proceedings issued and directed by any officer or court in favor of said village, or in which said village shall be a party.

§ 37. No fees or compensation other than as herein provided shall be charged or received by the chief of police, or any policeman, for the arrest, confinement or discharge of any person, or for the mileage, or for serving any process or warrant, or for discharging any other duty required by this act to be performed by him. But any reasonable and necessary expense incurred by the chief of police or any policeman, when traveling in the discharge of his duties as such, shall be paid by the treasurer of the village of Ilion on the warrant of the board of trustees. The chief of

police, policemen or special policemen shall not receive any present or reward for services rendered, or to be rendered, unless with the approbation of the board of trustees, such approbation to be given in writing and filed with the clerk; and any of their number who shall receive any fee or reward, in violation of this section, shall forfeit his office.

§ 38. The board of trustees is hereby authorized to charge to the county of Herkimer, or to any town therein, for services performed by the chief of police or policemen in criminal proceedings, such fees as are allowed to constables of towns for like services, and chargeable to said county or towns, and the same shall be audited and allowed by the board of supervisors of said county, or by the board of town auditors of such towns, as the case may be, to and for the benefit of the village of Ilion, and shall be paid to the treasurer of said village. In cases arising under the ordinances, by-laws or regulations of said village, where judgment shall be rendered in favor of said village, or where said village would be entitled to a judgment, the same fees for the services of such chief of police or policemen as constables would be entitled to for like services, shall be included in such judgment and charged for the benefit of said village; and, when paid or collected, they shall be paid to the treasurer thereof within five days after their receipt. Said money so received by the treasurer shall be credited by him to the fund out of which the police justice and police officers are paid.

§ 39. All fines and penalties collected under and by virtue of the regulations, ordinances or by-laws of the village of Ilion, and all moneys collected for services by the chief of police or policemen, shall be paid to the treasurer of said village within five days after their receipt. Said money so received by the treasurer shall be credited by him to the fund out of which the police justice and police officers are paid. And it shall be the duty of the treasurer of the village of Ilion, in his annual report to the board of trustees of said village, to give a full, detailed and accurate statement of all moneys received and expended by him under or by virtue thereof.

§ 40. The contingent expenses of the police department, for office, furniture, fuel, lights, stationery, printing, advertising, books, policemen's badges and batons; also the compensation of the chief of police and of the policemen and special policemen,

severally, shall be paid by the treasurer of the village of Ilion on warrant of the board of trustees.

§ 41. **Street commissioners.**—The president of the village of Ilion and the president of the board of water commissioners and the president of the board of sewer commissioners of said village shall be *ex-officio* street commissioners of said village, and they shall form and constitute the board of street commissioners, of which board the president of the village shall be *ex-officio* president, and they shall at their first meeting after the annual village election elect from their number a secretary of the said board. They shall serve without compensation.

§ 42. Said board of street commissioners shall have, within said village, all the powers and discharge all the duties of commissioners of highways of towns, except as said powers and duties are by this act conferred upon the board of trustees of said village, and except as herein otherwise provided. Said board shall have control of the construction improvement, grading, repair and cleaning of streets, highways, avenues, gutters, drains, sidewalks and cross-walks, in said village; of the sprinkling of streets, and of the paving and macadamizing of streets, and of the purchase of supplies and materials therefor. And the said village shall be a separate road district, so far as relates to highways, roads or streets therein, and the same, except the bridges therein, shall be exempted from the jurisdiction, care, control and management of the commissioners of highways of the town of German Flats.

§ 43. The board of street commissioners shall have full power to establish and alter the grades of all streets, roads, alleys, sidewalks, and cross-walks in said village, and to cause said streets, roads, alleys, sidewalks and cross-walks to be worked in conformity to such grades as they shall prescribe and establish. They shall also have power to cause the sidewalks on any street or highway, or alley or other public place in said village to be graded, gravelled, flagged, planked or repaired, and to prescribe and determine the width and the manner of doing the same, the materials to be used, and their quality; and shall give the owner or occupant, if a resident in said village, of the real estate fronting thereon, a reasonable time, to be determined by the board of street commissioners, to construct or repair the same, under the direction of said

board or their superintendent of streets, appointed as herein prescribed, and a notice shall be served on such owner or occupant, if a resident, specifying the width, materials, and the time within which said sidewalk shall be completed. Upon the failure of said owner or occupant to construct or repair such sidewalk, in the manner and within the time specified in such notice, or if he is not a resident of said village, the board of street commissioners shall direct their superintendent to construct or repair the same under their directions; and the expenses of constructing or repairing the same shall be a lien on such real estate, and may be collected by a suit, by and in the name of the corporation, or may be assessed and collected in the same manner as assessments for opening streets, or other village taxes, are collected, by the collector, under the warrant of the board of trustees.

§ 44. The board of street commissioners shall have power to make and keep in repair, and, from time to time, cleanse all necessary drains and ditches within said village, and defray the expenses thereof out of the highway taxes. They shall also have jurisdiction and control over all the drains and ditches within said village, whether in the streets or elsewhere, and may in their discretion, cause the same, or any part thereof, to be kept in repair and cleansed, and pay the expenses thereof out of the highway taxes, or other moneys belonging to said village not otherwise appropriated. They may, also, in their discretion, require the owners or occupants of any lands whereon any such drain or ditch shall be situated, from time to time, to repair and cleanse the same upon their respective premises, as shall be directed by said board of street commissioners, and in default thereof, said board may cause it to be done, and cause the expenses thereof to be assessed and collected, in the same manner as is provided in respect to sidewalks, or they may cause the same to be collected by suit, in the name of the corporation.

§ 45. The board of street commissioners may appoint a superintendent of streets and fix his compensation; and he shall hold office during the pleasure of the board of street commissioners, and he shall be removable by them at any time; and they may appoint another in his place from time to time.

§ 46. The said board of street commissioners shall on or before the first day of May, in every year, make in writing a requisition upon the board of trustees of said village for such sum as in their judgment will be necessary and sufficient for defraying the expenses of making, grading, improving, repairing, macadamizing, paving, sprinkling and cleansing the streets, highways, lanes, cross-walks, sidewalks, drains and ditches in said village, and the purchase of material, tools, machinery and implements proper and necessary for the doing of the work, and for payment of services and labor in connection therewith; and, generally, for the expenses incident to the performance of the duties hereby imposed upon the board of street commissioners; and the board of trustees shall insert such amount so required by the board of street commissioners in their next annual budget, and levy and collect the same in the same manner as other village taxes.

§ 47. The board of trustees of the village, in addition to the sums which shall be required to be raised by them upon requisition of the board of street commissioners as herein provided, shall levy and collect a poll-tax of one dollar against each person named in the assessment-roll as herein provided as liable to be assessed for highway labor. The sums thus collected shall be paid to the treasurer of the village, and shall be by him placed to the credit of the highway fund, and shall be paid out by him only as in the next section provided.

§ 48. All sums raised by tax upon the requisition of the board of street commissioners as herein provided, including all sums collected for poll-taxes, shall be paid to the treasurer of the village as other taxes are required to be paid, by the collector, and the fund so constituted shall be kept by the treasurer separate and apart as a highway fund, and shall be paid out by the treasurer upon the warrant of the street commissioners only, signed by the president of the board of street commissioners, as such, and countersigned by the clerk of said board as such, and in no other way or manner. The board of street commissioners shall have the power and it shall be their duty to audit and allow or reject all accounts and charges for work done or material furnished upon their order for the purposes of carrying into effect the powers and duties hereby conferred upon and required of them; and they shall make and render to the board of trustees of the village annually a full and detailed report of

all their expenditures, including the names of the persons to whom any moneys shall have been paid, and the purposes for which they shall have been paid, and a full and detailed statement of any and all claims or accounts owing by the village pertaining to their department, and of all moneys on hand; which accounts and statements shall be rendered to the board of trustees on or before the fifteenth day of February, in each year, and they shall be filed with and preserved by the clerk.

§ 49. Laying out and opening streets, etc —The board of trustees, on the petition of twelve or a majority of the resident freeholders owning real estate on any road or street or proposed road or street in said village, and liable to be assessed for the damages and expenses of laying out, opening, widening or altering any such road or street or proposed road or street, may lay out, open, widen or alter any such road or street or proposed road or street; but, before coming to a determination upon such petition, they shall cause at least eight days' notice to be given to the owners and occupants, who are not applicants, of such lands as it is contemplated to appropriate for any such laying out, opening, widening or altering, who reside in such village, by serving such notice personally, or leaving the same at the dwelling or place of business of such residents, and also by posting such notice in three public places in said village, or by publishing the same in a newspaper in said village. Such notice shall briefly specify the object of such petition, and shall designate the time and place at which the board of trustees will meet for the purpose of hearing arguments or suggestions in favor of or opposed to the objects of such petition. At that or any adjourned or regular meeting of the board of trustees they may make such order in relation thereto as they shall deem meet, and they are hereby authorized and empowered to carry such order into effect. The damages caused by such laying out, opening, widening or altering shall be arranged and liquidated as follows, viz.: Three commissioners to be appointed by the supreme court, or by the county court of Herkimer county, on application of the board of trustees, shall, when required by the board of trustees, estimate the damages resulting to each of the owners and occupants of such lands as it is contemplated to appropriate in respect to his said real estate, and also the benefits resulting to each of such persons; and if such benefits in the aggregate exceed

the damages, such commissioners shall apportion the damages among the several owners and occupants in proportion to the benefits resulting to them respectively, as near as may be. If the damages of said owners and occupants in the aggregate exceed the aggregate of benefits, then the commissioners shall assess each owner and occupant an amount equal to the benefits resulting to him, and the excess of damages shall be included in the next annual tax to be raised from the whole village.

§ 50. The commissioners shall file with the clerk of the village a statement showing the amount to be paid to persons to whom they shall award damages, and also showing the amount assessed upon those who are benefited, as provided in the preceding section.

§ 51. Any person aggrieved may, within ten days after any assessment of damages and apportionment by the commissioners aforesaid shall be filed with the clerk of the village, appeal from such assessment or apportionment to the board of trustees, who, after the expiration of said ten days, shall appoint a time and place, not less than six days or more than ten days thereafter, for the hearing of all appeals in the said matter, of which the appellant shall notify the commissioners; and the trustees, after hearing, may affirm or modify the assessment or apportionment, or may refer the same back to the commissioners for re-examination and re-assessment or apportionment; but the board of trustees shall not lessen the amount to be received for damages, nor increase the amount to be paid for benefits, by any person not a party to the appeal, unless six days' notice of a hearing shall have been served on such person in the manner above mentioned for laying out or altering roads and streets; and all taxes, assessments and apportionments of damages, when finally completed and filed with the clerk, shall be a lien on the lands charged therewith.

§ 52. Fire department.—The board of trustees are authorized and empowered to organize a fire department and prescribe the powers and provide for the government and discipline of the same, to consist of one or more engine companies, one or more hook and ladder companies, and one or more hose companies, and one or more salvage companies; to appoint a sufficient number of suitable persons as members thereof, with the consent of the persons appointed, who shall be subject to removal by the board

of trustees. A foreman and assistant foreman for each company shall be chosen by the members of each company in the manner to be directed by the board of trustees, and subject to their approval and ratification. The board of trustees shall have power to regulate and provide for the management, use and protection of the engines, hose, hose-carts, hooks, ladders and other apparatus belonging to said village.

§ 53. The board of trustees shall appoint a chief engineer, who, subject to the by-laws, regulations and ordinances of the board of trustees, shall have the direction and control of the fire department. It shall be his duty to see that the engines and other apparatus, implements and houses therefor of the fire department are kept in good repair and condition; and to report the condition of the same to the trustees, from time to time, as he shall deem necessary or as they shall require. Every member of the fire department, or any other person, who shall during the time of any fire neglect or refuse to obey the order of the president of the village, or of such chief engineer, shall forfeit such penalty as shall be prescribed by the board of trustees. Such chief engineer shall perform such other duties in relation to the fire department as may be prescribed by the board of trustees; and he shall receive such compensation as may be fixed by said board.

§ 54. The members of the fire department of said village shall, during the time of their services as such, be exempt from serving on juries in all courts, and in the militia, except in case of war, invasion or insurrection, and from the payment of any poll-tax for highway purposes.

§ 55. The officers and members of the present fire department of said village shall continue to be such officers and members subject to the provisions of this act.

§ 56. Assessment and collection of taxes.—The said board of trustees may raise by tax upon the taxable property and inhabitants of said village the several sums necessary to meet the expected expenditures and indebtedness of said village, and which shall be known and designated as a general or a special tax. A general tax may be raised for the following purposes:

1. A sum sufficient to pay all installments of principal and interest on any bonded debt of the village of Ilion.

2. A sum sufficient to pay the amount due or to become due upon any authorized contract entered into by the board of trustees of said village, or any installments of the same, to become due during the ensuing year.

3. A sum sufficient to pay any judgment recovered against said village.

4. A sum sufficient to refund taxes collected on erroneous assessments.

5. A sum sufficient to pay the current expenses of the fire department, not exceeding fifteen hundred dollars.

6. A sum sufficient to pay such requisition as may be made upon them by the board of street commissioners of said village as herein provided, not exceeding five thousand dollars, exclusive of poll-tax.

7. A sum sufficient to pay the salaries or compensation of salaried officers of said village.

8. A sum sufficient to provide for contingent expenses and other general purposes, not exceeding one thousand dollars.

9. A sum sufficient to pay the expenses of maintaining the free public library according the requisition of the library trustees, as herein provided.

10. A sum sufficient to pay the current expenses of lighting the streets and public places of said village. And the board of trustees is hereby authorized and empowered to enter into a contract or contracts for the lighting of said streets and public places from time to time for a period not exceeding five years at any one time or in any one contract.

11. A sum sufficient to pay the current expenses of insuring the property of said village against loss and damage by fire.

12. A sum sufficient to provide for the expenses of doing any specific act for such village which it or any of its officers shall be by law required or authorized to do.

13. Such further sums for special purposes as shall have been duly authorized by vote of the taxpayers, as provided in the next section.

§ 57. The annual tax meeting of the taxpayers of the village of Ilion shall be held on the first Tuesday of March in each year. No person shall be qualified or permitted to vote upon any tax for a special purpose to be raised as herein provided, unless he

name shall appear upon the last assessment-roll of said village, and he has been assessed and taxed for real or personal property. The board of trustees of said village are hereby authorized and empowered to call a special tax meeting to vote upon appropriations for special purposes, by adopting a resolution for that purpose, which resolution shall be duly published in the village newspaper at least once in each of the two weeks next preceding such special tax meeting.

§ 58. Every appropriation of money for any purpose not expressly included, or any excess of the amounts specified in section fifty-six of this act, shall be deemed a special purpose. Before any tax for a special purpose can be levied, a resolution specifying the purpose and the amount required and whether it shall be raised in one sum or in annual installments, and if in annual installments, the number thereof and the amount of each shall be passed by the board of trustees and a copy of such resolution, with a notice that the same will be submitted to vote by ballot at the next annual tax meeting or at a special tax meeting called for that purpose, shall be published in all of the village newspapers at least once in each of the two weeks next preceding such tax meeting. No resolution can embrace more than one special purpose, and if more than one such special resolution is submitted at any tax meeting such resolution shall be numbered "Resolution number one," "Resolution number two," up to the full number thereof, and shall be printed consecutively upon one ballot. In the margin at the left of each resolution shall be written or printed the word "For," and in the margin at the right thereof shall be printed the word "Against." No ballot for any resolution opposite which both the "For" and "Against" are or neither of them is erased or defaced shall be counted. If a majority of the ballots counted upon any resolution have on them the word "For," the board of trustees may raise the amount voted. The moneys raised for a special purpose shall be kept by the treasurer in an account separate from other moneys, and shall be appropriated by the board of trustees to that special purpose only.

§ 59. Money can not be borrowed by the said board of trustees on the credit of the village; nor can any debt or liability be

incurred by the village, except as is provided by law for the ordinary expenses of the village within the income of the current year applicable to that purpose. Any officer or person who shall assume to create a debt or liability or appropriate any money or property of the village, contrary to the provisions of this act, or shall assent thereto, shall be personally liable for such debt or liability and to the village for such money or property. Each trustee present when such violation shall have been ordered shall be deemed to have assented thereto unless his dissent be expressed and entered on the journal. Any willful violation of this section shall be a misdemeanor.

§ 60. All taxes raised in said village shall be assessed and collected in conformity, as far as practicable, with the provisions of law in respect to the assessment and collection of taxes by town assessors and collectors, except as herein otherwise expressly provided.

§ 61. The board of trustees shall, after the assessment-roll is finally completed and verified, levy and assess the village taxes as herein authorized, including therein and adding thereto a poll-tax of one dollar against each person named in said assessment-roll as liable to be assessed for highway labor. The tax roll, when perfected and finally completed, shall be filed with the village clerk on or before the fifteenth day of June in each year, and when so perfected, completed and filed, shall be a lien on the real estate described therein, to the amount of the several taxes and assessments therein contained, and such liens shall have priority over all other liens and incumbrances. Before the tax-roll shall be so filed with the village clerk, a warrant shall be annexed thereto under the hands of the president and clerk of the village and the seal of the corporation, similar in form to the one prescribed by law for the collection of town and county taxes, with the rate per centum, specifying therein within what time the same shall be returned, and said tax-roll and warrant shall be forthwith copied by the clerk of the village, who shall then duly authenticate such copy under the corporate seal of the village, and file the same in his office, and deliver the original to the village collector. At the time of the delivery to him of any such roll and warrant, the collector, shall indorse on the copy for filing, a receipt acknowledging the reception by him of the original roll and warrant as village collector. Immediately

upon the delivery of the roll and warrant to the village collector, the collector shall post notices thereof in at least ten public and conspicuous places in said village, designating some convenient place within the village where he will attend on Mondays and Saturdays for two weeks successively, next after the delivery to him of said tax-roll and warrant, from nine o'clock in the morning until six o'clock in the afternoon, for the purpose of receiving the payment of taxes. And it shall be the duty of the collector to attend accordingly; and any person may pay his taxes at the time and place so designated on paying one per centum fees thereon within the said two weeks. Upon all taxes collected after said two weeks, such collector shall be entitled to collect and receive five per centum for his fees. The collector shall proceed to collect the unpaid taxes in said roll specified, in the same manner as provided by law for town collectors for town and county taxes, and shall have and possess all the powers and authority conferred by law on collectors of town and county taxes. And shall in like manner pay over all moneys collected by him to the village treasurer, and take his receipt therefor, and make return to the village clerk of the amount collected and paid over by him, and of the taxes remaining unpaid; and by making oath before the clerk, similar in respects to the oath required by law of collectors of county taxes, he shall be credited by the village clerk with amounts so remaining due and unpaid. The collector shall also deposit all moneys in his hands with the village treasurer, from time to time, as the board of trustees shall direct. But no such settlement nor any settlement had by the board of trustees, nor by any village officer, with any collector, of any tax or assessment, shall be final or conclusive; and no bond or other security given by any collector shall be invalidated or affected by or canceled on any such settlement, but shall remain in full force and shall be held for one year thereafter by the village. And if any such collector shall fail to return any warrant issued to him as therein required, or shall fail to pay over to said treasurer all moneys collected or received by him, or shall fail to make a full or true account thereof, the supreme court, or any justice thereof, shall have jurisdiction, on proof by affidavit or otherwise, summarily to enforce such return, payment or accounting, or all of them, as the case may be, by attachment and proceedings thereon, in the same manner as if such collector were a

sheriff or officer of that court; and if any such collector shall neglect or refuse to pay over any money collected by him, he shall be deemed guilty of a misdemeanor or felony, as the case may be, and shall be punishable as provided by law.

§ 62. All taxes and assessments that shall remain unpaid for three months after the date of the warrant authorizing the collection thereof shall bear interest at twelve per centum per annum from the date of such warrant, and such tax and interest may be sued for and recovered by the village against any person liable therefor. Whenever any person against whom a poll-tax is assessed shall neglect or refuse to pay the same, the collector shall make return thereof to the board of trustees under oath, which may be taken by any officer authorized to administer an oath; and it shall be the duty of the board of street commissioners, upon being furnished with the list of the names of the persons so returned, to give notice to all such persons of the time and place when and where they are to appear for the purpose of working out such tax upon the streets of said village; and every person so notified shall appear at the time and place in person, or by an able-bodied man as his substitute, and work accordingly, at the rate of eight hours actual work for the dollar poll-tax so assessed against said person. Every person so assessed who shall neglect or refuse to pay such poll-tax, and who, after being duly notified, shall neglect or refuse to appear and work as above provided, shall be fined by the board of street commissioners one dollar. Such fine may be recovered by action in the name of the village of Ilion, before the police justice of said village, with the same costs as are provided in civil actions.

§ 63. When any tax on lands or tenements in the said village shall remain unpaid for six months from and after the date of the delivery of the tax-roll and warrant to the collector as herein provided, and the collector shall have been unable to collect the same and shall have made return thereof as herein provided, it shall and may be lawful for the board of trustees to advertise the said land and tenements, or any of them, for sale, and by such advertisement the owner or owners of such lands and tenements, respectively, shall be required to pay the amount of such tax, together with the interest thereon, at the rate of twelve per centum per annum from and after three months from the date of the tax-roll and warrant as herein provided to the

time of payment, with the charge of such notice and advertisement to the treasurer of the village and notice shall be given by such advertisement that if default be made in such payment such lands and tenements will be sold at public auction at a day and place therein to be specified for the lowest term of time at which any person or persons shall offer to take the same in consideration of advancing the said tax, together with the interest thereon as aforesaid, to the time of the sale, and the charges of the above-mentioned notice and advertisement and all other costs and charges accrued thereon; and if, notwithstanding such notice, the owner or owners shall refuse or neglect to pay such tax, interest, charges and costs, then it shall and may be lawful for the board of trustees to cause such lands and tenements to be sold at public auction for a term of time, for the purpose and in the manner expressed in the said advertisement, and such sale shall be made on the day and at the place for that purpose mentioned in the said advertisement, and shall be continued from time to time if necessary until all the lands and tenements so advertised shall be sold; and the board of trustees shall give to the purchaser or purchasers of any such lands and tenements a certificate in writing describing the lands and tenements so purchased, the term of time for which the same shall have been sold, and the sum paid therefor and the time when the purchaser will be entitled to a lease for the said lands and tenements. The said advertisement and notice of sale shall be published once in each week successively for six weeks in all the newspapers printed and published in the said village of Ilion. No other notice or demand of the tax shall be required to authorize the sale of any lands and tenements as hereinbefore provided. If the person or persons claiming title to the said lands and tenements, or some other person having or claiming to have a lien on or an interest in the same, shall not, within one year from the date of the before-mentioned certificate, pay to the treasurer of the village for the use of the purchaser or purchasers, his, her or their heirs, executors, administrators or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twelve per centum per annum from the date of such certificate, the board of trustees shall, in the corporate name of the said village, at the expiration of said year, cause to be executed to the purchaser or purchasers, his, her or their heirs

executors administrators or assigns, a lease under the corporate seal of the village of Ilion of the lands and tenements so sold for such term of time as the same shall have been sold, which shall be executed and acknowledged by the president of the village, and such lease shall be presumptive evidence that the sale and all proceedings prior thereto, from and including the assessments on said lands and tenements for taxes, and all notices required by law were regular and according to the provisions of this statute; and such purchaser or purchasers, his, her or their heirs, executors, administrators or assigns, shall in virtue thereof and of this act lawfully hold and enjoy the said lands and tenements in said lease mentioned for his, her or their own proper use against the owner or owners thereof, and all lienors, and all claiming under him, her or them, until such purchaser's term therein shall be fully complete and ended; and the said purchaser or purchasers, his, her or their heirs, executors, administrators or assigns shall be at liberty to remove all the buildings or materials which he, she or they shall erect or place thereon during the said term, within one month after the expiration of the said term. It shall be lawful for the board of trustees to suspend or postpone any sale or sales of lands and tenements, or any portion thereof, which shall have been advertised for sale in pursuance of the provisions of this act, from time to time, and to any time not exceeding three months in the aggregate from the day specified in any such advertisement. And all sales which shall be so postponed or suspended shall be made without further advertising other than a general notice of such suspension or postponement to be published in the same newspapers in which the original advertisement was published, once a week until the time of sale; and such sales, when made, shall be as valid and effectual as if the same had taken place at the time for that purpose first advertised. Such purchaser or purchasers, his, her or their heirs, executors, administrators or assigns may remove the owner and all persons claiming under him, her or them from the land in the same manner as tenants holding over and continuing in possession after the expiration of term without permission of the landlord, by summary proceedings. The board of trustees are also authorized and empowered in case the collector shall return that a tax or assessment on any estate is unpaid, and that he is unable to collect the same, after the lapse of thirty days after

the date of such return, to prosecute a civil action against the owner or owners of such estate, in the corporate name of the village, and recover judgment for the amount of such tax, with twelve per centum interest thereon, from and after the expiration of three months from the date of the tax-roll and warrant, as aforesaid, and costs. Any justice of the peace of the town of German Flats, or the police justice of the village, shall have jurisdiction to try such action, when the sum claimed does not exceed two hundred dollars. A transcript of the judgment may be filed, and the judgment docketed in the county clerk's office of Herkimer county, and it shall thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment, however small, upon all the real estate of the judgment debtor situated in said county. Upon any judgment recovered for such unpaid taxes, and docketed in said county clerk's office, execution may be issued against the real and personal estate of the judgment debtor, and be collected as provided by law, and all the provisions of law in reference to sale and redemption of real estate on execution shall apply to sales and redemptions under this act. Or the board of trustees may re-assess the said unpaid tax with interest at the rate of twelve per centum as aforesaid, upon the said property or the owner thereof in the next succeeding assessment and tax-roll.

§ 64. Any occupant of any lands may pay all village or highway taxes thereon, whether assessed to him or to the owner, and may charge and collect the same from the owner, or apply the same on rent, and no village tax, except for highway purposes, shall be assessed or levied upon any farm lands reserved and used as such, unless the same shall have been plotted or laid out as village lots, and shall be bounded on some street, opened or laid out in said village.

§ 65. The board of trustees, at any time before the tax-roll and warrant shall have been finally completed and filed with the clerk as herein provided, shall have full power in all cases to correct the assessment and tax-rolls, whenever it shall be made to appear to them that any mistake has been made therein; and they shall have full power and authority to correct the description of real property therein, when a proper and correct description has been omitted by the assessors, or when

the description shall appear to them to be defective. Provided, however, that two days personal notice in writing of the proposed correction or alteration shall be served upon any person or corporation to be affected by such correction, with an opportunity to be heard thereon.

§ 66. Whenever money shall be raised by tax in said village for any specific purpose, it shall not be applied to any other purpose.

§ 67. Auditing accounts.—No claim or account against said village shall be paid until it shall have been presented to, audited and allowed by the board of trustees, or such other body as is herein authorized and directed to audit such claim or account. And when such account or claim shall be so audited, the board of trustees or other body auditing the same, shall indorse thereon or annex thereto, a certificate, subscribed by them or by their clerk, and allowing or disallowing the same, together with the sum allowed.

§ 68. No such account or claim shall be audited or allowed by the board of trustees or other body, unless it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have rendered the services or made the disbursements therein charged, that the items of such account are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid. But, the board of trustees or other body before whom such claim or account shall come for audit, shall not be concluded by such affidavit, but may examine the claimant on oath as to any items embraced in such account or claim, and as to any payment or payments made or claimed to have been made thereon; and the president, or other members of the board of trustees, or body, before whom such claim or account shall come for audit, may administer the oath to any claimant or witness so examined; and nothing herein shall be construed to prevent the board of trustees, or other body, from disallowing any claim or account in whole or in part, nor from requiring further evidence of its justness or correctness.

§ 69. Warrants on treasurer —Every warrant drawn by the board of trustees or other body herein authorized to draw warrants upon the treasurer for the payment of claims or accounts,

shall specify the fund from which it is to be paid, the name of the person in whose favor it is drawn, of which facts a memorandum shall be made and entered in his records, by the clerk of such board or body, before such warrant shall be delivered to the claimant.

§ 70. **Payment by treasurer.**—No claim or account shall be allowed otherwise than as herein prescribed, nor shall any claim or account be paid by the treasurer, except on the warrant of the board of trustees or other body, as aforesaid, indorsed on or annexed to the account or claim for which it shall be drawn, specifying the fund from which it is payable, and it shall be paid from no other fund.

§ 71. **Filing by treasurer.**—Whenever such claim or account shall have been paid, it shall together with the affidavit of the claimant, the certificate of auditing, and the warrant for the payment thereof be filed and preserved in the treasurer's office.

§ 72. **Cemetery.**—The board of trustees may appoint a keeper of the village cemetery, and make such ordinances as they shall deem proper, not inconsistent with the laws of this State, in respect to any public burying ground or cemetery within said village, the conveyance of lots therein to individuals for interments, interments in portions not already conveyed, laying out the same in lots, executing and recording conveyances for the same on payment of the price thereof, and the management of such grounds; and they may enforce such ordinances by penalties, not exceeding twenty-five dollars, to be sued for and recovered, with costs, by and in the name of said corporation. The said ordinances shall be published as hereinbefore required with reference to rules, regulations, ordinances and by-laws of said village. All proceeds of the sale of lots shall be paid to the village treasurer and shall be credited by him to what shall be known as the cemetery fund. The same shall be drawn out on the warrant of the board of trustees to defray the cost and expense of maintaining and improving the cemetery grounds, and for no other purpose whatsoever.

§ 73. **Summary arrests.**—The president, or any trustee, or any police officer of said village, shall have power at all times to arrest or cause to be arrested by any person, and without process, any drunken or disorderly person found in the streets of said village; or any person violating any ordinance, regula-

tion or by-law duly adopted and published as herein provided, made in pursuance of authority conferred upon the board of trustees herein by subdivisions two, three, four, six, seven, eight, thirteen, fourteen, sixteen, seventeen, twenty, twenty-one, twenty-two, and twenty-four of section seventeen, when any such violation shall take place in the presence of the president, member of the board of trustees or police officer; and they, or any of them, may cause to be entered by any person, without process, any building or place within said village, for the purpose of arresting and to arrest any such person, and cause him or her to be taken before the police justice of said village, to be dealt with according to law; and they, or any of them, shall have power to cause persons so arrested to be detained until the police justice, or in his absence or inability to act as herein provided, a justice of the peace, can be found to attend to the hearing of the case; and the president of the village, or any member of the board of trustees, or any police officer, shall at all times have power to command assistance from any inhabitant of said village, to arrest such persons, quell disturbances, and extinguish fires; and the refusal by any individual to comply with any reasonable direction of any of said officers, under any authority conferred by this section, shall subject the individual so refusing to a fine not exceeding twenty-five dollars, to be sued for and recovered by and in the name of said corporation.

§ 74. Record evidence.—Written or printed copies of any or all of the ordinances, rules, regulations, by-laws and resolutions passed or adopted by the board of trustees, and all other minutes and proceedings of the said board, together with any paper on file in the office of the clerk of said village, may be read in evidence in any court of this State, under the seal of said village, with the same force and effect as if the originals were produced.

§ 75. Claims for damages.—All claims against the village for damages or injury, alleged to have arisen from a defective or unsafe condition of any street, highway, culvert, sidewalk, grating or crosswalk in said village, or from negligence of the village authorities in respect to any street, highway, culvert, sidewalk, grating or crosswalk, shall without delay and within three months after the happening of such damage or injury, be pre-

mented by or in behalf of such claimant to the president in writing, signed by the claimant, or his agent or representative, and duly verified by one of such parties having knowledge of the facts, describing the time when and location of the place where such injury occurred and the cause and extent of the damage or injury. The omission to present such claim as aforesaid within said three months shall be a bar to any action or proceeding against the village. No action for such damage or injury shall be maintained unless begun within one year from the happening of the same. Every process commencing an action against the village shall be served on the president, or acting president of the village and not otherwise.

§ 76. Nothing herein contained shall in any way change, alter or modify the liability of any person, firm or corporation by reason of their causing or permitting any such defect or any obstruction or nuisance.

§ 77. Return of collector, presumptive evidence.—The return of any tax or assessment by the collector to the village clerk as unpaid, and of his inability to collect the same out of personal property, or a copy of the same certified by said clerk, with the corporate seal attached, shall be presumptive evidence of the truth of the statements in such return, in all courts and places, and in all actions and proceedings.

§ 78. Evidence.—The affidavit of the party publishing, posting or serving any notice required to be posted, published or served by the provisions of this act, or by any regulation, by-law or ordinance made in pursuance thereof, of such posting, serving or publishing, shall be deemed presumptive evidence thereof in all courts and places and in all actions and proceedings.

§ 79. Officers not to be interested.—No member of the board of trustees, or other officer having power or authority to contract, either individually or as a member of any board or body, shall be interested in any contract to which the village shall be a party. Any violations of this provision shall be a misdemeanor and punishable as such.

§ 80. Not more than one office.—No person shall hold at the same time more than one of the offices created by this act, unless otherwise provided herein.

§ 81. Free public library.—The board of trustees of said village may establish and maintain a free public library, in said

village, for the use of the inhabitants thereof, and provide suitable rooms therefor; and the said village may receive, hold and manage any devise, bequest or donation for the establishment, increase or maintenance of such free public library within said village.

§ 82. The said free public library shall be under the charge, management, supervision and control of a board of trustees, which shall be known as the "Board of Trustees of the Elion Free Public Library," which board shall consist of five members, who shall be known as "Library Trustees," and who shall be appointed by the board of trustees of the village, and they shall hold office for five years and until their successors are appointed; and they shall be residents of the said village and of full age, and women shall be eligible for appointment as such trustees; and they shall serve without pay or compensation. Said board of trustees of the free public library may purchase from time to time, as they shall deem proper, books for such library, may appoint a librarian, one or more assistants, a janitor, and fix the compensation of such librarian, assistants and janitor, provide for the heating, lighting and cleaning of said library, the insurance of the same against loss and damage by fire, the repairs and maintenance of the rooms or building in which said library shall be located, the repairing of the books; and they shall make regulations for the government of said library, from time to time, and do all such other matters and things as shall be necessary and proper for the efficient maintenance and conduct of the said library. The present "library committee," as appointed under the provisions of chapter three hundred and sixty-three of the laws of eighteen hundred and ninety-two, shall constitute the board of trustees of said public library, and shall hold their offices as such trustees until the termination of the terms for which they have been appointed, and hereafter and annually the board of trustees of the village shall appoint a person to fill the vacancy caused by the expiration of the term of office of the outgoing member of said board of trustees of the Elion free public library. Vacancies in the said board of trustees of the free public library, caused by death, resignation, removal or otherwise, shall be filled by the board of trustees of the village, the appointee to hold office for and during the unexpired term of the vacancy which he or she shall have

been appointed to fill. The said board of trustees of the Ilion free public library shall, at their first meeting after the annual appointment of a member of said board, elect from their number, a president, a secretary and a treasurer, who shall hold office for one year or until their successors shall have been elected. The treasurer of said board shall give a bond, to the village, with two sureties, conditioned for the faithful performance of his or her duties, which shall be approved by the board of trustees of the village, as to its form, amount and the sufficiency of the sureties, which bond shall be filed with the clerk of the village.

§ 83. The said board of trustees of the Ilion free public library shall have the charge, control and management of all devises, gifts and bequests, the corpus or principal of which is by the terms of the devise, gift, grant or bequest, to be in the nature of an endowment and the rents, profit and income of which only are to be used for the increase or maintenance of such Ilion free public library, and said board shall manage the said devise, gift or bequest, investing the principal thereof, if personal property, from time to time, in mortgages on improved real estate in this State, for not exceeding one-half of the value thereof, as the same shall be appraised by the board of trustees of said free public library, and secured also by the personal bond of the mortgagor; or in United States stocks or bonds, or stocks or bonds of the State of New York, or in bonds of any municipal corporation in the State of New York; and, if realty, managing and leasing the same, or in case that the devisor so contemplated and provided, in selling the same and converting it into money and investing and reinvesting as aforesaid; and shall collect and receive the rents, issues and profits of the said realty or personalty, or both, and shall pay over the same immediately on its receipt to the treasurer of the village, who shall place it to the credit of the library fund. The said investments shall be made in the corporate name of the village of Ilion, by the board of trustees of the free public library of Ilion, and the said board shall have power and they are hereby authorized to make, execute and deliver under the corporate name of the said village leases of such real estate, execute and acknowledge deeds and conveyances of the same, receipt for all moneys received by them from the sources aforesaid, and give releases, acquittances and

discharges of mortgages and bonds, and generally to do each and every act and thing in the name of said village necessary or proper to the carrying out of the powers hereby vested in them. All devises, gifts or bequests to said free public library the principal of which by the terms thereof is to be expended in improving, altering, repairing or enlarging said public library building, shall be expended, and such improving, altering, repairing or enlarging prosecuted by and under the management and direction of the board of trustees of said free public library. All other gifts, grants and bequests shall be paid unto the treasurer of said village.

§ 84. The said board of trustees of the Ilion free public library shall, and they are hereby authorized to make requisition upon the board of trustees of said village, from time to time, for such moneys as shall be necessary in their judgment for the establishment, increase or maintenance of the said library, but not to exceed in any one year one and one-half mills on the dollar of the assessed valuation of real and personal property in said village, as shall appear from the next preceding assessment-roll of said village. The board of trustees of said village shall thereupon raise by taxation upon the taxable property of the said village, in the same manner as other village taxes as herein authorized and required to be raised, and shall appropriate and pay over to the treasurer of the said village, all such sums of money as shall be required by the said board of trustees of the Ilion free public library, not exceeding one and one-half mills on the dollar as aforesaid in any one year, and the taxes so raised and paid in to the treasurer of the village, with all gifts and bequests (the corpus of which is to be expended for the establishment, maintenance and increase of said public library) together with the rents, issues and profits of any and all gifts, devises and bequests (in the nature of endowments) as shall have been or shall be paid to the said treasurer, shall constitute the library fund of said village; and the treasurer shall keep the moneys which shall be paid over to him and which he shall receive as aforesaid, known as the library fund, separate and apart from all other moneys; and he shall pay them over upon the order of the board of trustees of the Ilion free public library, from time to time, upon such orders or requisitions as they shall make upon him in writing signed by the secretary,

and countersigned by the treasurer thereof, and in no other way or manner or for any other purposes. And the said board of trustees of the Ilion free public library shall audit all charges and accounts against the said Ilion free public library or for the purposes thereof as hereinbefore provided.

§ 85. The board of trustees of the Ilion free public library shall make and render to the board of trustees of the village, on or before the first day of May, in each and every year, a full and detailed statement and account of their receipts and disbursements and of all moneys drawn from the treasury, which statements and accounts shall be signed by the president and countersigned by the treasurer and shall be filed with the clerk of the village.

§ 86. In case the building, fixtures, furniture, books, manuscripts or other property belonging or pertaining to the said Ilion free public library, shall at any time be injured or destroyed by fire, and shall be in whole or in part insured against the same, the money receivable from any and all insurance companies, for such loss or damage, shall be paid into the treasury of the said village, and shall be credited to the library fund, and shall be used by the said village, under the direction, management and supervision and upon the order of the board of trustees of the Ilion free public library in rebuilding, restoring or repairing whatever property shall have been destroyed or damaged by fire, so far as the same will go, and for no other purpose or purposes whatsoever.

§ 87. Inasmuch as Clarence W. Seamans and Mrs. Ida G. Seamans, of the city of Brooklyn, New York, have generously contributed towards the establishment of the present free public library in said village, the board of trustees of said village, are hereby authorized and empowered to appoint them honorary trustees of the Ilion free public library, for life. And it shall be the duty of the board of trustees of the Ilion free public library to consult with them from time to time, with reference to any measures of importance which the said board shall contemplate adopting, and with reference to matters of policy in the conducting of the said library; but it shall not be necessary to notify the said honorary life members of any regular or special meetings of the board of trustees, nor shall their presence be necessary to constitute a quorum; it being contemplated

hereby to give them an advisory position with reference to the management and conduct of the said Ilion free public library.

§ 88. No member of the board of trustees of the village of Ilion shall become a surety upon any bond or obligation required of or made by any officer of said village.

§ 89. The various officers elected or appointed in the said village before this act takes effect, shall continue to fulfill the duties of their respective offices until the officers authorized by this act shall have been elected or appointed and duly qualified. And all officers of said village, in office at the time this act shall take effect, shall continue in office during the terms for which they were respectively elected, anything to the contrary herein notwithstanding.

§ 90. The ordinances, regulations and by-laws legally adopted by the trustees of said village and in force when this act takes effect, shall continue in force until repealed or modified by the board of trustees of said village.

§ 91. The bounds of school district number one of the town of German Flats, shall correspond with the bounds of the said village of Ilion; and said village shall constitute a separate school district.

§ 92. All acts heretofore passed relating to the village of Ilion, as a corporation, which are charters of the same, or amendments of such charters, are hereby repealed, so far as they relate to the said village of Ilion, but such repeal shall not affect any right vested or established, or any suit, proceeding or prosecution had or commenced before this act takes effect.

§ 93. This act shall take effect immediately.

Chap. 318.

AN ACT to legalize, ratify and confirm all acts and things done by the board of trustees of the village of Charlotte and by the board of sewer commissioners of the village of Charlotte, in the county of Monroe, under and pursuant to chapter three hundred and seventy-five of the laws of eighteen hundred and eighty-nine as amended.

BECAME a law April 16, 1895, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. All proceedings taken by the board of trustees of the village of Charlotte and by the board of sewer commissioners of the village of Charlotte, Monroe county, under and by virtue of chapter three hundred and seventy-five of the laws of eighteen hundred and eighty-nine, for the purpose of providing a permanent system of sewerage in such village, including the proceedings taken under such law for the issue and sale of village bonds in the amount of fifteen thousand dollars, dated February fifteenth, eighteen hundred and ninety-five, and payable February fifteenth, nineteen hundred and fifteen, bearing interest at the rate of four and one-half per centum per annum, and sold on the fifth day of February, eighteen hundred and ninety-five, to Whann and Schlesinger of the city of New York, to provide funds for the payment of such sewerage system, are hereby in every respect fully legalized, ratified and confirmed, to the payment of which bonds the faith, credit and property of the village of Charlotte is hereby pledged.

Proceedings relating to sewerage legalized.

§ 2. This act shall take effect immediately.

Chap. 319.

AN ACT to amend an act entitled "An act to incorporate the Bible and Common Prayer Book Society of Albany and its vicinity," passed February twenty-ninth, eighteen hundred and twenty, and designated as chapter forty-eight of the laws of eighteen hundred and twenty.

BECAME a law April 16, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section four of chapter forty-eight of the laws of eighteen hundred and twenty, is hereby amended so as to read as follows:

Construction of act.

§ 4. And be it further enacted, that this act shall be deemed a public act and shall be construed benignly and favorably for the purpose therein intended, and that the purposes of the body corporate hereby created be, and they are hereby extended in such wise as to include the distribution of hymnals under proper restrictions to be imposed by the society of religious literature.

Distribution of hymnals.

Chap. 322.

AN ACT to prevent the burning of soft coal in factories in the city of Brooklyn.

Accepted by the city.

BECAME a law April 16, 1895, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Burning of soft coal in factories.

Section 1. No factory, engine-room or electrical station shall use what is known as soft coal for fuel in the furnaces of such factories, engine-room or electrical stations within a radius of four miles of the city hall in the city of Brooklyn, except for the purpose of heating or welding iron or steel; any violation of this act shall subject the proprietors or corporation that shall violate it to a fine of not more than one hundred dollars, the same to be collected by the proper city authorities and placed in the county treasury, and such authorities shall see that this law is enforced.

Violation of act.

§ 2. This act shall take effect immediately.

Chap. 323.

AN ACT to amend chapter three hundred and eighty-nine of the laws of eighteen hundred and ninety-three, entitled "An act to establish a board of water commissioners of the village of Newport."

BECAME a law April 16, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen of chapter three hundred and eighty-nine of the laws of eighteen hundred and ninety-three is hereby amended to read as follows: Water act amended.

§ 14. The said board of water commissioners are hereby authorized and empowered to make such prudential rules and by-laws in relation to the use of said water as they may from time to time deem to be necessary, and shall have the full and exclusive control of said works under this act and the management of the finances connected therewith, and shall have full power to supply said village and the inhabitants thereof with water, and to establish the rates and charges for the use of the same, and to stop the use thereof upon any premises, when the use of the same shall not have been paid for, or any of the rules or by-laws of said board have not been complied with, and to fix penalties or fines for the violation of rules established by it, and likewise to sue for and collect the same in the name of the corporation of the village of Newport. The said commissioners shall, on or before the fourteenth day of March in each and every year, deliver to the board of trustees of said village a list containing the names of all persons whose water rents shall have remained unpaid for three months, together with a statement of the amount due from each, and the same shall be filed in the office of the village clerk, and the amount thereof entered by said clerk in the tax-book as a tax against the real estate for the use of water on which such rents are due, and the amount of such unpaid water rent shall be a lien upon such real estate from the time of filing such list; and the board of trustees shall include the amount of said water rents so remaining unpaid in the next tax list for village purposes, and such unpaid water rents shall be collected by the collector as such other Rules and by-laws. Control of works and finances. Power to supply water, etc. Annual statement of unpaid water rents. Collection of unpaid water rents.

Financial
accounts.

Duty to em-
ploy help
and incur
expenses.

Extension
of works.

Taxes are by law required to be collected. The amount of such water rents, when collected, shall be paid over by the board of trustees to said commissioners, to be by them held and used for the purposes specified in this act. The said board shall keep, or cause to be kept, an accurate book or books, upon which shall be entered all their receipts and disbursements, and likewise the names of all persons using the water, and all such other matters as shall make a complete financial account of all the doings, which said books shall always be open for the inspection of the board of trustees of said village, and all other citizens or taxpayers in said village, their agents or attorneys. It shall also be the duty of the said board of water commissioners to employ such help and incur such other expenses as may be necessary for the proper and prudential management and maintenance of the supply of said water; also to make such addition thereto as they may deem expedient and proper for the said village.

§ 2. This act shall take effect immediately.

Chap. 327.

AN ACT relating to the improvement of certain streets in the city of Brooklyn.

Accepted by the city.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Improvement of
streets au-
thorized.

Section 1. The common council of the city of Brooklyn are hereby authorized to cause that part of East New York avenue, lying between the easterly side of Chester street and the southerly side of Douglass street, and also that part of Douglass street lying between East New York avenue and Howard avenue (or so much thereof as may be necessary), in the city of Brooklyn, to be regulated, graded and paved with trap blocks in the same manner as the rest of said East New York avenue, lying east of said Chester street, and the rest of said Douglass street lying west of said Howard avenue are now paved, and to cause an assessment to be levied to pay the cost thereof in the same manner as assessments for like work are now levied in said city,

Assess-
ment of
cost.

except that fifty per cent. of such cost shall be borne by and be a charge upon said city at large, and fifty per cent. thereof only shall be assessed upon the property lying within the district of assessment to be fixed by said common council.

§ 2. The cost of said improvement shall in the first instance be paid out of the assessment fund of said city, and fifty per cent. thereof shall be levied and collected with the annual tax next after the completion of the said improvement, and when collected shall be paid into the said assessment fund to reimburse the same. Payment in first instance.

§ 3. This act shall take effect immediately.

Chap. 329.

AN ACT to amend section one of title eighteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," so far as relates to contracts.

Accepted by the city.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title eighteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," is hereby amended so as to read as follows: Charter amended.

§ 1. All contracts and agreements by which the city shall be held liable to pay money, shall be under the authority of the common council, except for salaries and those made for the management and control of the board of education, the water-works, the maintenance of sewers and the repairing of streets, and also except those made for the maintenance and management of the parks and other works and matters under the control of the department of parks, but the amount expended for the above-named purposes shall not exceed the sums appropriated therefor by the common council, or the amount author- Contracts under authority of council.

Exceeding
\$500, how
made.

Notice in-
viting pro-
posals.

Opening
and publi-
cation of
bids.

Award of
contracts.

Contracts
relating to
water-
works and
sewers.

ized to be expended by issue of bonds under heretofore existing laws. All contracts other than for the above excepted purposes exceeding in amount the sum of two hundred and fifty dollars shall be made in the following manner: Whenever any work, materials or improvements, shall have been duly declared to be necessary by said common council, they shall authorize the department of city works, and it shall be the duty of the department so authorized to advertise in the corporation newspapers, for at least ten days, inviting bids or proposals therefor, under seal, to be sent to the department of city works, which bids or proposals shall be publicly opened and announced, with the name of the bidder, the rate or amount proposed, and the names of the sureties, which sureties shall be the owners of real estate in the city of Brooklyn in their own right to the amount of such surety, and shall have held the same for at least one year prior to becoming such surety; and before awarding any contract all the bids or proposals received shall be published for at least six days in the newspapers aforesaid. All contracts shall be awarded to the lowest bidder, and be executed by the mayor and the department of city works, and shall be attested by the city clerk; provided, that upon the application of the commissioner of the department of city works or head of other department, the board of aldermen may, and are hereby empowered, by a two-third vote, to authorize the department of city works to execute a contract to others than the lowest bidders; and no contracts shall be made or liability to pay be incurred, the expense of which is provided by law to be met by local assessment, until the jurisdictional or other proceedings for and in the assessment have been examined and certified to be correct and sufficient by the department of city works and attorney and counsel to the corporation. All contracts relating to the construction and maintenance of the water-works exceeding in amount the sum of two thousand dollars, and all contracts relating to the maintenance of sewers and repairing of streets exceeding in amount the sum of one thousand dollars shall also be made by the commissioner of city works, after advertising for proposals for ten days in the corporation newspapers, and shall be awarded by him to the lowest bidder, provided, however, that with the written consent of the mayor, the said commissioner may receive proposals for any of such purposes without adver-

tisement therefor, and with such consent may award the contracts to others than the lowest bidders, and all contracts so awarded shall be executed by the mayor and the commissioner of city works and attested by the city clerk.

§ 2. This act shall take effect immediately.

Chap. 333.

AN ACT to amend chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy, entitled "An act in relation to the village of Chatham in Columbia county."

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter four hundred and fifty-eight of the laws of eighteen hundred and seventy, entitled "An act in relation to the village of Chatham in Columbia county," is hereby amended so as to read as follows: Charter amended.

§ 3. The officers of said village shall be five trustees, one recorder, one clerk, three assessors, one treasurer, one collector, one poundmaster, and such number of police constables and fire wardens as the trustees shall from to time designate and appoint. Each one of the trustees shall be ex officio a police constable. Village officers.

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. The recorder shall be appointed by the board of trustees of said village, and shall hold office for one year from and including the first day of May next succeeding his appointment, and shall be subject to removal at any regular meeting of the said board of trustees, by a majority vote of the trustees elected. At the first regular meeting of the said board of trustees after the passage of this act, or at a special meeting to be called for that purpose, and at the regular meeting in the month of April in each year thereafter, the said board of trustees shall appoint a recorder to serve as such until and including the thirtieth day of April in the next succeeding year. In case of a vacancy in the office of the recorder, the said board of trustees Recorder, appointment and term of.

shall appoint a person who shall hold said office for the residue of the unexpired term.

§ 3. Section fifteen of said act is hereby amended so as to read as follows:

Recorder to
file oath.

§ 15. The recorder appointed in said village shall take and prescribe the constitutional oath of office and file the same with the clerk of the county of Columbia, at whose office his appointment shall be certified by the clerk of said village within five days after the date of such appointment, in like manner and with like effect as justices of the peace of the several towns of

Powers and
jurisdiction.

this State. Said recorder shall be commissioner of deeds of the county of Columbia and possess the same powers as such as commissioners of deeds of the several cities in this State. Said recorder shall have the same jurisdiction and authority, in all criminal actions and proceedings, as is or may be possessed by justices of the peace of the several towns of this State, over all matters arising within said village, and shall be subject to like duties and liabilities in criminal actions or proceedings within said village. He shall reside within said village and keep an office in some convenient place therein, to be designated and

Recorder's
court.

provided by the board of trustees for that purpose; the court held by said recorder shall be designated and known as recorder's court of the village of Chatham, and all warrants and other process in criminal cases issued by any justice of the peace for any offense or matter arising in said village shall be made returnable before said recorder, except where it is made to appear to the magistrate issuing such warrant or process, by affidavit to be taken by and filed with him, that such recorder is absent from said village, is sick, is legally disqualified from acting, or that there is a vacancy in the office of recorder, in which case such warrant or process may be made returnable before any of the justices of the peace in either of the towns of Chatham or Ghent. No justice of the peace shall have any jurisdiction of any criminal action, proceeding or matter, or of any crime or misdemeanor, arising within said village, except where it is made to appear to such justice of the peace by the affidavit of the complainant or some other credible witness, to be sworn to before and filed by said justice of the peace, that such recorder is absent from said village, is sick, is legally disqualified from acting, or that there is a vacancy in the office of

Warrants
returnable
before re-
corder.

Jurisdiction of jus-
tices of
peace in
village.

recorder. The recorder shall receive a salary to be fixed by the ^{Salary of recorder.} board of trustees of the said village at the first regular meeting of said board after the passage of this act, or at a special meeting to be called for that purpose, which salary shall not exceed the sum of four hundred dollars per year, to be paid by said village in like manner as other village charges, and which may be changed by the said board of trustees at any regular meeting by a majority vote of the trustees elected, and he shall not receive any other fees or compensation. All fines and penalties ^{Payment over of fines, etc.} imposed and collected by said recorder shall be paid over to the treasurer of said village within five days after the same shall have been collected. Said recorder shall present to the board of trustees at their regular meeting for the month of ^{Monthly statements to trustees} March in each year hereafter, a statement in writing, duly verified, showing the number, nature and disposition of all cases before him since the date of his last report, giving title of each case, and where fines or penalties have been imposed, the amounts of such fines and penalties, the amount collected in each case and the total amount of money so collected, and he shall produce at the same time receipts from the treasurer for the payment thereof.

§ 4. Section sixteen of said act is hereby amended so as to read as follows:

§ 16. The recorder shall have exclusive jurisdiction of all ^{Actions for violation of ordinances, jurisdiction of, etc.} actions and proceedings for violations of any ordinance of said village, and may proceed summarily to try any person brought before him charged with such violation, and may render judgment for any penalty prescribed in such ordinance, and issue execution thereon, in the same manner, and with like force and effect, as in case of a judgment for a penalty now prescribed by law.

§ 5. Section seventeen of said act is hereby amended so as to read as follows:

§ 17. Any action pending before said recorder shall not abate ^{Continuance of actions.} by reason of the death, resignation or removal of such recorder, nor by reason of the expiration of his term of office, but may be continued before his successor in the same manner and with like effect as it might have been before him, had his term of office continued, and he remained therein.

§ 6. Section twenty of said act is hereby amended so as to read as follows:

Police constable, his powers and duties.

§ 20. Any police constable appointed by virtue of this act shall have power, and it shall be his duty, to quell disturbances and keep order in said village, and to arrest any person or persons for violating the law or any ordinance of said village, and take them immediately before the recorder. Such police constable shall, within ten days after his appointment, take and file with the clerk of said village the constitutional oath of office and an undertaking as is now required of constables of towns, to be approved by a majority of the trustees elected. Such police constable shall thereupon be invested with all the powers and authority, and be subject to the same duties and liabilities in criminal matters within said village as constables in towns, and shall be entitled to the same fees and compensation, or such other compensation as shall be provided by the board of trustees of said village, to be paid by the said village in like manner as other village charges. No constable or other peace officer, except police constables of said village, shall execute within said village any warrant or other process issued by the recorder of said village or made returnable before him.

Fees and compensation.

Other police officers not to execute process.

Compensation of justices of peace in criminal cases.

§ 7. No justice of the peace shall receive any fees or other compensation for services rendered in any criminal action or proceeding on account of any offense committed or arising within said village of Chatham, unless it be for services rendered during a vacancy in the office of recorder, or the actual absence, sickness or legal disqualification of the recorder, in which case the board of trustees may allow such justice such compensation as in their judgment is proper.

Office abolished.

§ 8. The office of police justice in said village of Chatham is hereby abolished.

§ 9. This act shall take effect immediately.

Chap. 334.

AN ACT to authorize the board of trustees of the village of Southampton, in Suffolk county, to contract with the incorporated engine and hook and ladder companies of said village for the use of their real and personal property and the services of their members, and to levy taxes to pay for the same.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Southampton in Suffolk county is hereby authorized and empowered to contract with the Agawam engine company number one and the Southampton hook and ladder company number one of said village for the use of the real and personal property and the services of the members of said companies, and to include in the annual tax levy whatever amount is to be paid to said companies for the then current year; and if anything shall be due for a fractional part of the preceding year they may insert the amount as a separate and specific object of expenditures.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed in so far as they may relate to the said village of Southampton.

§ 3. This act shall take effect immediately.

Chap. 336.

AN ACT to further amend chapter twenty-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise, amend and consolidate the several acts in relation to the city of Syracuse, and to revise and amend the charter of said city."

Passed without the acceptance of the city.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-four of chapter twenty-six of the laws of eighteen hundred and eighty-five is hereby amended so as to read as follows:

Police justice, his qualifications and salary.

§ 54. The police justice shall be an attorney and counselor at law of the supreme court of the State of New York, of not less than three years' standing, and shall receive an annual salary, to be fixed by the common council, in their discretion and not to exceed three thousand dollars, payable in monthly payments by the city treasurer.

§ 2. Section fifty-seven of said chapter is hereby amended so as to read as follows:

Clerk of police justice.

§ 57. The police justice of said city shall appoint a clerk, who shall receive an annual salary to be fixed by the common council, in their discretion, and not to exceed one thousand dollars, payable in monthly payments, and shall hold office at the pleasure of the police justice, and shall have power to take oaths and acknowledgments, to examine under oath the informant and prosecutor and any witnesses he may produce, and take their depositions in writing, and cause the same to be subscribed by the parties making them, and to adjourn trial or proceedings in the absence of the police justice. The police justice may issue warrants upon depositions taken by the clerk as herein prescribed.

§ 3. This act shall take effect immediately.

Chap. 338.

AN ACT to provide for open-air playgrounds in connection with schoolhouses in the city of New York.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Hereafter no school-house shall be constructed in the city of New York without an open-air playground attached to or used in connection with the same.

§ 2. This act shall take effect immediately.

Chap. 339.

AN ACT to amend chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport."

Accepted by the city.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and four of chapter one hundred and twenty of the laws of eighteen hundred and eighty-six, entitled "An act to revise the charter of the city of Lockport," is hereby amended so as to read as follows: Charter amended.

§ 104. There shall be a fire department in said city for the prevention and extinguishment of fires. It shall consist of four fire commissioners, a chief engineer, a first assistant engineer, a second assistant engineer, a superintendent of fire alarm, such employes and subordinates as may be found necessary from time to time and a competent number of able-bodied firemen, inhabitants of said city, who shall be organized into companies not exceeding six in number. At the first regular meeting of the common council subsequent to the annual charter election in April, eighteen hundred and ninety-five, or as soon thereafter as may be, the common council shall appoint four fire commissioners who shall constitute "the board of fire commissioners," and be the head of the fire department. Two of such commissioners shall be selected from one of the two principal political parties then existing, and the other two shall be selected from the other of said principal political parties. Two of such commissioners shall be appointed for one year, and the other two for two years, and one of the four so appointed shall be an honorably discharged fireman. Annually, thereafter said common council shall appoint two fire commissioners to serve for two years. Such appointments shall be so made that at all times the non-partisan character of the board as herein contemplated shall be preserved, and so that an honorably discharged fireman shall at all times be a member thereof. The terms of office of each of said other officers of the fire department shall be one year. The fire commissioners thus appointed Fire department and officers.
Fire commissioners, their appointment and terms.

**Organisa-
tion of
board.**

**Meetings,
rules and
quorum.**

**Interest in
purchases,
etc., pro-
hibited.**

**Clerk of
board.**

**Claims
against
city.**

**Expendi-
tures and
contracts.**

**Notice in-
viting pro-
posals.**

**Award of
contracts.**

**Annual
estimate
and tax for
depart-
ment.**

shall meet within one week thereafter and organize by electing one of their number president. After organizing the board shall hold at least one regular meeting in each month at the common council rooms, or at such other place as it may elect. It shall make rules to govern its proceedings, and three commissioners shall be a quorum for the transaction of business at the meetings of said board. No fire commissioner shall receive compensation for his services nor be interested in the purchase, sale or leasing of lands for the use of the fire department, nor in the construction or repair of engine or other houses therefor. A willful violation hereof shall be a misdemeanor. The city clerk shall be ex officio clerk of the board of fire commissioners. He shall attend the meetings thereof, keep full minutes of all its proceedings in proper books to be provided therefor, file and carefully preserve all accounts, papers and documents relating to the business of said department, and perform such other clerical service as may be required by the board. He shall not receive additional compensation for said service. All claims against said city growing out of or in any way arising from the operation, management and maintenance of the fire department shall be presented to the board of fire commissioners for examination and approval before the same shall be presented to the common council for audit. The board shall not order the expenditure of any money or make any contract except by a majority vote of all its members, which vote shall be taken by yeas and nays and entered on the minutes. No expenditure or contract involving the expenditure of a sum in excess of two hundred and fifty dollars shall be made without the consent of the common council, and before the board shall enter into a contract for the performance of any work, the expense of which shall exceed the sum of two hundred and fifty dollars, it shall, after having obtained the common council's consent, cause a notice to be published in three successive numbers of the official paper inviting proposals for the same according to plans and specifications then on file in its office, and such contract shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the board reject all bids therefor, which it may do. The board shall on or before the first day of August in each year, make and present to the common council a certified written estimate of the cost of maintaining and operating the fire depart-

ment for the ensuing fiscal year, and the sum so certified, which shall not be more than seven thousand five hundred dollars, shall be included in the next general city tax and constitute the "fire fund." The city treasurer shall pay money therefrom only as directed by the common council. The board shall not create any debt or pecuniary obligation or liability whatever against the city on account of the fire department, or otherwise, which shall not be payable in the current fiscal year, and can not be discharged and paid from the income of the same year; any fire commissioner willfully voting therefor when said fund is exhausted shall be guilty of a misdemeanor. At some regular meeting of the common council in each of the months of March, June, September and December in each year and at such other times as the common council may require, the board shall report in writing to the common council showing the amount of money in the fire fund at the beginning and at the end of the three months next preceding the month in which said report shall be made, and the expenditures in detail made by the board during said period. Said March and September reports shall also state fully the condition of the department as to the efficiency and discipline of the several companies, the number and origin of the fires occurring during the year, and any other pertinent matters. They shall be accompanied by a complete inventory of all the property of the department then on hand with a statement of its condition. Said reports and inventory shall be filed with the city clerk, and said reports shall be immediately published by the common council as part of its proceedings.

Creation of debts.

Quarterly reports and inventory.

§ 2. Section one hundred and five of said act is hereby amended so as to read as follows:

§ 105 The board may prescribe rules whereby the several companies may nominate candidates for chief engineer, first assistant engineer, second assistant engineer, and new members of the companies, and certify the same to the board. The board may confirm or reject all or either of said nominations, or may appoint all or either of said officers or new members of said companies without such nominations, in cases provided by their rules and regulations. The board shall appoint said superintendent of fire alarm and fire warden. The appointment of the officers aforesaid shall be at the first regular meeting of the board after the annual charter election, or as soon there

Nomination and appointment of officers and members.

after as may be, and shall require a concurring vote of a majority of all the fire commissioners, to be taken by yeas and nays, and entered in their minutes of proceedings. Every appointment by the board shall be evidenced by a commission, signed by at least three commissioners, and filed in the office of the city clerk.

§ 3. Section one hundred and six of said act is hereby amended so as to read as follows :

§ 106. The board shall control and manage the fire department and establish and enforce rules and regulations for the appointment or election, discharge and dismissal of the officers and employes thereof, and the officers and members of the several companies thereof, for the hearing and trial of complaints and the settlement of disputes therein; for the government and discipline of the department, and for the organization, reorganization, government and disbanding of the several companies thereof. It may impose such reasonable fines and forfeitures upon said officers and firemen, for a violation of such rules and regulations, as the board may deem proper, and for incapacity, neglect of duty or misconduct, may remove them and appoint others in their places. Except as in this act otherwise provided, it shall prescribe the duties of all officers by it appointed, and of the officers and members of companies. It shall have charge of all the property now owned or hereafter acquired by the city for the uses of the fire department, including the electric fire alarm; of the erection, alteration and repair of engine, hose and all other houses, towers or structures for the department; of the purchase and repair of engines, trucks, carts, hose and all other apparatus, implements and supplies requisite and proper in and about the efficient maintenance and operation of the department.

§ 4. Section one hundred and seven of said act is hereby amended so as to read as follows :

§ 107. The board shall fix the compensation of the chief engineer, which shall not exceed one hundred and fifty dollars per annum; of the superintendent of fire alarm, which shall not exceed six hundred dollars per annum; of the fire warden, which shall not exceed six hundred dollars per annum; and the amount to be allowed annually to each company, which shall not exceed seventy-five dollars to each.

Commissions.

Rules and regulations for department.

Fines and removal of officers and firemen.

Charge of property apparatus, etc.

Salaries and compensation.

§ 5. Section one hundred and eight of said act is hereby amended so as to read as follows :

§ 105. In addition to such other duties as shall be prescribed by the board, it shall be the duty of the fire warden in said city to perform all the duties imposed upon inspectors of buildings by chapter seven hundred and seventy-three of the laws of eighteen hundred and sixty-five, and the acts amendatory thereof or supplemental thereto, in reference to examining premises where petroleum, earth or rock oils, or any of its products, are or shall be kept or stored, and the reporting of violations of said act or acts. ^{Inspectors of buildings for storage of oils.}

§ 6. Section one hundred and nine of said act is hereby amended so as to read as follows :

§ 109. Any member of the board of fire commissioners, the chief engineer, each assistant engineer and fire warden shall have power at all reasonable times to enter and examine any premises within the city, and they shall report to the common council all violations of any statute or ordinance for the prevention of fires. ^{As to prevention of fires.}

§ 7. Section one hundred and eleven of said act is hereby amended so as to read as follows :

§ 111. The board shall have power to investigate the cause and origin of all fires in the city, and in such cases as the board may direct, the testimony taken before it, shall be reduced to writing and subscribed by the witnesses, and the board shall thereupon report it to the district attorney for the county of Niagara. ^{Origin of fires; investigation as to.}

§ 8. Section one hundred and twelve of said act is hereby amended so as to read as follows :

§ 112. The chief engineer or the assistant engineer in command at a fire, with the concurrence of the mayor, or if the mayor is not present, with the concurrence of three aldermen, or two members of the board of fire commissioners, may direct any burning building, or any other building which they may deem hazardous and likely to take fire and endanger the safety of other buildings, to be torn down, blown up, or otherwise destroyed. No action shall lie or be maintainable against them or either of them therefor, but the owner or party interested shall have the remedy, provided in the next six sections. ^{Demolition of buildings.}

§ 9. Section two hundred and seven of said act is hereby amended so as to read as follows :

Contractor's bond.

§ 207. Whenever any contract shall be let for any public or local improvement, the contractor shall execute to the city of Lockport, a bond or undertaking, in a sum to be fixed by the common council, not less than the amount of the contract. No contract shall be binding on the city until a bond or undertaking so executed and approved shall be deposited with the city clerk, to be safely kept in his office for the benefit of the parties secured thereby. Such bond or undertaking shall be conditioned, among other things, for, and bind the contractor to, a faithful performance of his contract in accordance with the terms thereof, and to indemnify and save, harmless the city of and from all damages, costs and expenses to it arising in consequence of any negligence or default on his part, and to pay or cause to be paid the wages or compensation of all laborers who shall be employed in work on or about such improvement, whether employed by him or any subcontractor or employe.

Conditions thereof.

Actions upon bond.

Actions and proceedings on such bond or undertaking by the laborers claiming to be secured thereby shall be brought in their name or names, and such actions may be brought by each or any number united of such laborers, or one action for all, but the city shall not in any manner be liable or responsible by reason of such bond or undertaking, or for any costs or expenses of any such action or proceeding thereon, by any such laborers. No action shall be commenced on such bond or undertaking by such laborers after one year from the time when the cause of action accrued. All past acts of the common council of the city of Lockport, in the matter of exacting bonds from contractors, and the bonds thus exacted, so far as they seek to protect the city, are hereby ratified and confirmed

Acts of council confirmed.

§ 10. This act shall take effect immediately.

Chap. 340.

AN ACT authorizing the stocks, bonds, certificates and other obligations of the city of Brooklyn, to be made payable in gold coin.

Accepted by the city.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any stocks, bonds, certificates or other obligations of the city of Brooklyn hereafter issued under the authority of any act, whether general or special, may be made payable both as to interest and as to principal in gold coin, if the mayor and comptroller, in their discretion, shall so determine.

§ 2. This act shall take effect immediately.

Chap. 343.

AN ACT authorizing the trustees of the village of Waverly to make an assessment of taxes for defraying ordinary expenditures and indebtedness of said village.

BECAME a law April 17, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the village of Waverly must, within thirty days after the passage of this act, proceed and assess upon the taxable inhabitants and corporations, and property liable to assessment and taxation within said village, for village purposes, such sum as they deem necessary, besides funds received or estimated to be received from other sources, to defray the ordinary expenditures of said village for the current year, and the floating or otherwise unprovided for indebtedness of said village, together with an amount equal to the amount actually paid as and for taxes for defraying the ordinary expenditures of said village of the last previous year; provided however, that the whole amount so assessed shall not in the aggregate exceed

Assessment of taxes.

Resolution
specifying
items.

the sum of thirty-three thousand one hundred dollars. Said trustees before making such assessment shall by a resolution specify each item of said sum for ordinary expenditures of said village for the current year, which resolution shall have, as to the manner of expending said sum for said ordinary expenditures, the same legal effect as the detailed statement of the estimated ordinary expenditures required by law to be made by trustees of villages annually for each ensuing year. Said trustees in making such assessment and as a part thereof, shall credit upon the assessment made against the property or any person or corporation the amount paid by such person or corporation as and for the tax for defraying the ordinary expenditures of said village of the last previous year and included in the sum assessed for the current year, as herein provided.

Credit of
previous
payments.

Substitute
for annual
assessment.

§ 2. The assessment made under the provision of this act shall take the place of and be a substitute for the assessment of the sum for defraying the ordinary expenditures of said village for the current year, provision for the making of which is made by the heretofore existing laws relating to said village, and shall have the same effect; and the proceedings thereon and thereunder and relative and subsequent thereto shall be those applicable to the assessment of the sum for defraying the ordinary expenditures of said village made for any year, and provided by the heretofore existing laws, except that the sum assessed to defray said indebtedness shall be used for that purpose, and no other.

Proceed-
ings on as-
sessment.

§ 3. This act shall take effect immediately,

Chap. 345.

AN ACT in relation to Hancock street in the city of Brooklyn.

Accepted by the city.

BECAME a law April 18, 1895, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consent for
railways
upon
street.

Section 1. None of the provisions of existing law, nor any proceedings thereunder, shall authorize the construction, maintenance, extension or operation of any surface, elevated or steam railway upon Hancock street, in the city of Brooklyn, or any,

portion of the same, between Franklin avenue and Broadway, unless the consent of a majority of the owners of property in number and value thereof, bounded on Hancock street, between Franklin avenue and Broadway, be first obtained in writing, duly acknowledged, as are deeds entitled to be recorded.

§ 2. This act shall take effect immediately.

Chap. 347.

AN ACT to provide for the construction of an extension of the building in the Central park in the city of New York occupied by the Metropolitan Museum of Art.

Accepted by the city.

BECAME a law April 18, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The department of public parks in the city of New York, with the concurrence of the board of estimate and apportionment, is hereby authorized to construct and complete an extension of the building in the Central park, occupied by the Metropolitan Museum of Art, in accordance with plans to be made by the trustees of the said museum and to be approved by the commissioners of said department of public parks, at an expense not exceeding one million dollars.

§ 2. For the purpose of providing means for carrying into effect the provisions of this act, it shall be the duty of the controller, upon being thereunto authorized by the board of estimate and apportionment, to issue and sell, but not at less than their par value, bonds or stock of the mayor, aldermen and commonalty of the city of New York, in the manner now provided by law, payable from taxation, but not exceeding in any one year the sum of two hundred thousand dollars nor in the aggregate the sum of one million dollars, bearing interest at a rate not exceeding three and one-half per centum per annum and redeemable within a period of time not exceeding thirty years from the date of their issue.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 348.

AN ACT to reduce town expenses in the town of Rosendale, in the county of Ulster, and to provide a police justice for said town.

BECAME a law April 18, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Salaries of town clerk, commissioner of highways and overseer of poor.

Section 1. The town clerk of the town of Rosendale, in the county of Ulster, shall hereafter receive an annual salary of one hundred and fifty dollars, the commissioner of highways an annual salary of two hundred and fifty dollars, and the overseer of the poor an annual salary of two hundred dollars, which salaries shall be audited and paid as other town charges and be in lieu of all other claims for services rendered said town by such officers respectively.

Police justice.

§ 2. There shall be hereafter in such town a police justice who shall be an elector of such town. He shall have the same jurisdiction in criminal cases and in proceedings of a criminal nature that justices of the peace now have, or that may hereafter be conferred on such justices, and shall be subject to the same duties and liabilities in criminal cases as a justice of the peace.

Appointment of first justice.

§ 3. Within thirty days after the passage of this act the town board of said town shall meet at a time and place to be designated by notice in writing by the supervisor of said town, and by resolution appoint such police justice, and the person so appointed shall hold such office until the first day of April, one thousand eight hundred and ninety-six. Hereafter, the electors of said town shall elect such police justice at town meeting in the same manner as other town officers, and the term of the justice so elected shall commence on the first day of April after his election and continue for four years.

Annual election thereafter.

§ 4. Every such police justice shall, before entering on the duties of his office, take the oath of office and give an undertaking in like manner as a justice of the peace, and in case of a vacancy the same shall be filled in like manner as a vacancy in the office of justice of the peace, and the person appointed to fill such vacancy shall hold such office until the first day of April after the next following annual town meeting. Election in case of a vacancy shall be for a full term.

Official oath and bond.

Vacancies.

§ 5. Such police justice shall provide himself with a suitable and convenient room in the village of Rosendale, at which he shall attend at all reasonable times for the transaction of such criminal business as may be brought before him. If he removes said office from said village such removal shall vacate his office.

§ 6. Such police justice shall have in said town exclusive jurisdiction, except in case of his absence from town, or inability from sickness or other cause to act, to hear criminal complaints, and to conduct all criminal business and all special proceedings of a criminal nature in said town that may, by law, be done by a justice of the peace. But nothing herein contained shall interfere with or restrict the powers or duties of the coroners of the county of Ulster.

§ 7. No justice of the peace of said town shall render any services, or be entitled to receive any fees in criminal cases or any special proceedings of a criminal nature, except during a vacancy in the office of police justice or except that a complainant shall by his own oath, or that of some other person, prove to a justice of the peace that such police justice is absent from the town, or sick, or otherwise unable to attend to such application, and the offense charged be a felony; in such cases the justice to whom such application is made shall issue a warrant to apprehend the person charged with the commission of the offense, and shall receive therefor the fees allowed by law, but such warrant shall be returnable before the police justice. In bastardy proceedings the police justice may associate with himself one of the justices of said town, and such justice so associated shall be entitled to fees.

§ 8. No justice of the peace in said town shall order any sum whatever to be expended for the temporary relief of the poor, but such matter of temporary relief in said town shall be governed by the provisions of section forty-two, title one, chapter twenty of the first part of the revised statutes as amended by chapter six hundred and sixty-three of the laws of eighteen hundred and ninety-four.

§ 9. A peace officer arresting a person on a warrant returnable before said police justice shall take the person so arrested to the office of said police justice without unnecessary delay; and, if such justice is absent from the town, or by reason of sickness or other cause is unable to inquire into the case, then before one of the

justices of the peace of said town, who shall proceed thereon and be entitled to fees for his services.

Salary of
police jus-
tice.

Accounts
against
county.

Costs and
fines.

Account
for services
against
town.

§ 10. Such police justice shall not receive to his own use any fees for services performed by him, but he shall receive an annual salary of three hundred dollars, and shall keep a book in which he shall enter all business done by him; he shall make out his account of all business done by him in cases of felonies against the county of Ulster in the same manner as bills of justices of the peace in like cases, and in which he shall charge the fees allowed by law to such justice, which account shall be duly verified by him and audited by the board of supervisors, and the amount audited levied on the county as other county charges and credited to the town of Rosendale. When the complainant is adjudged to pay costs, the police justice shall tax for his services such fees as are allowed by law to justices of the peace for like services, and such costs may be collected in the same manner as fees of said justices in like cases, and when collected by such police justice retained by him on account of his salary; all fines imposed and collected by him shall also be retained. At the annual meeting of the town board of said town of Rosendale, on the Thursday next preceding the annual meeting of the board of supervisors of the county of Ulster in each year, such police justice shall present to said town board his claim for salary to the first day of April then next ensuing, less the amount of costs and fines received by him as hereinbefore provided, which said account shall be itemized as to the credits and verified as other town accounts, and the remainder of salary due such police justice, after deducting such costs and fines as aforesaid and also after deducting the amount to be paid by said town to any of the other justices thereof, as provided in section nine of this act, shall be audited by said town board and entered in their certificate as required by law.

Payment
over of
balance of
fines to
treasurer.

§ 11. If the town board determine, on due examination and audit, that a balance is due to the town from said justices* on account of the moneys received and retained by him for costs and fines, as provided in the tenth section of this act, over and above the amount of his salary, said police justice shall forthwith pay such balance to the treasurer of the county of Ulster who shall receive the same and credit it to the town of Rosendale.

§ 12. This act shall take effect immediately.

* So in the original.

Chap. 355.

AN ACT to incorporate the "Children's Aid Society of Rochester."

BECAME a law April 18, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Caroline B. Stoddard, Alice Bacon, Lillie B. Oothout, ^{Corpora-}
Mary A. Farley, Olivia H. Morrison, John B. Y. Warner, James
H. Dennis, Bertha Hooker and Thomas A. Hendrick and such
other persons as they may associate with themselves, as here-
inafter provided, and their successors, are hereby constituted
a body corporate and politic by the name of the "Children's ^{Name.}
Aid Society of Rochester," for the purpose of caring for and
protecting children.

§ 2. Such body corporate shall have power:

<sup>Corporate
powers.</sup>

1. To have perpetual succession by its corporate name.

2. To sue and be sued, complain and defend in any court of
law or equity.

3. To make and use a common seal, which may be affixed by
making an impression directly on the paper and alter the same
at pleasure.

4. To appoint such officers, agents and managers as the busi-
ness of the corporation may require.

5. To make by-laws not inconsistent with the laws of this
State or of the United States for the management of its property,
the election of its officers and the regulation of its affairs.

6. To contract and be contracted with.

7. To take and hold by gift, purchase, grant, devise, or bequest <sup>Real and
personal
estate.</sup>
any property, real or personal, and the same, to dispose of at
pleasure. But such corporation shall not in its corporate
capacity hold real property, the yearly income derived from
which shall exceed the sum of ten thousand dollars.

§ 3. Any proper court or magistrate of the county of Monroe <sup>Commit-
ment of
children to
corpora-
tion.</sup>
may commit to said corporation, the Children's Aid Society of
Rochester, any child under the age of sixteen years, who shall

be convicted of any crime, or who shall be convicted as a vagrant or disorderly person; and any child coming within the description of "juvenile delinquent," including all children whose commitment to an institution is provided for by the provisions of the penal code. The charge and power of such corporation upon and over said children shall not extend beyond the age of twenty-one years.

Employ-
ment and
instruction
of children

§ 4. The trustees or managers of such corporation shall have power to place children committed to their care at such employments and cause them to be instructed in such branches of useful knowledge as shall be suitable for their age and capacities; and shall have power to place such children in the custody of persons having families, to be reared and cared for in such families. The board of supervisors of the county of Monroe is hereby authorized to pay to said corporation a reasonable sum for the support of each of such children in families or elsewhere.

Placing
and sup-
port of
same in
families.

Guardian-
ship.

§ 5. The guardianship of the person and the custody of any indigent children may be committed to said corporation in the manner prescribed for the surrender of children to orphan asylums, by section one of chapter four hundred and thirty-eight of the laws of eighteen hundred and eighty-four. In the binding out, transfer or indenture of any child, such child shall, when practicable, be placed with, transferred or indentured to an institution governed by persons of the same religious faith as the parents of the child, or to an individual of like religious faith.

Surrender
to persons
of religious
faith of
parents.

Binding out
of children.

§ 6. Said corporation may bind out any child surrendered or committed to it, if a male, for a period which shall not be beyond his twenty-first year, and, if a female, for a period which shall not be beyond her eighteenth year, in the form and manner as prescribed by section five of chapter four hundred and thirty-eight of the laws of eighteen hundred and eighty-four, for the binding out of children by orphan asylums.

Agent to in-
vestigate
into con-
dition of
children.

§ 7. The officers of said corporation shall have power, subject to the approval of the board of supervisors of the county of Monroe, to employ a suitable person as agent to investigate into the condition, and look after the welfare of children placed in families, or bound out, pursuant to the provisions of this act, and said supervisors may pay him a reasonable compensation. The duties of such agent may be prescribed by said board of

supervisors, and shall be performed under the direction of the officers of said corporation.

§ 8. The payments by the board of supervisors of the county of Monroe, herein authorized, shall only be made, provided that the children received and retained by said Children's Aid Society of Rochester shall be so received and retained pursuant to the rules established by the state board of charities.

§ 9. This act shall take effect immediately.

Chap. 357.

AN ACT in relation to Jefferson avenue in the city of Brooklyn.

Accepted by the city.

BECAME a law April 18, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. None of the provisions of existing laws, nor any proceedings thereunder, shall authorize the construction, maintenance, extension or operation of any surface, elevated, steam or electric railway upon Jefferson avenue in the city of Brooklyn, or any portion of the same between Nostrand avenue and Broadway, unless the consent of a majority of the owners of property in number and value thereof, bounded on Jefferson avenue between said Nostrand avenue and Broadway be first obtained, in writing, duly acknowledged, as are deeds entitled to be recorded.

Consent for
rail-ways
upon
avenue.

§ 2. This act shall take effect immediately.

Chap. 358.

AN ACT transferring the care, custody and control of the two small parks on East Forty-second street, between First and Second avenues, New York city, from the property owners on said street between said avenues to the department of public parks of the city of New York.

Accepted by the city.

BECAME a law April 18, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The two small parks in East Forty-second street, between First and Second avenues, New York city, shall be hereafter under the control, supervision and care of the department of public parks of the city of New York.

§ 2. Chapter three hundred and sixteen, laws of eighteen hundred and eighty-one is hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 359.

AN ACT to amend chapter forty-nine of the laws of eighteen hundred and eighty-eight, entitled "An act in relation to public notices and advertisements by the city of Brooklyn."

Accepted by the city.

BECAME a law April 19, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

As amended.

Section 1. Section one of chapter forty-nine of the laws of eighteen hundred and eighty-eight, entitled "An act in relation to public notices and advertisements by the city of Brooklyn," is hereby amended so as to read as follows:

§ 1. Section eighteen of title two of chapter eight hundred and sixty-three of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the city of Brooklyn, and the various amendments thereto, as amended by chapter five hundred and eighty-nine of the laws of eighteen hundred and seventy-four, is hereby amended so as to read as follows:

§ 18. The common council shall designate five daily newspapers published in the city of Brooklyn (one of which shall be printed and published in the eastern district of said city, and one of which shall be published in the German language) having the largest actual average daily circulation therein, in which shall be published all the ordinances, resolutions, notices, tax and assessment sales, and all other proceedings which by this act shall be required to be published affecting said city, provided that the aggregate expenditures for publication in such five newspapers shall be one hundred thousand dollars per annum, of which sum each paper shall receive an equal part, exclusive of tax and assessment sales; and further provided that such papers as have been heretofore designated as corporation newspapers, shall continue to act as such until the common council shall, by a three-fourths vote of all the members elect, designate others in place of them. And be it further provided that hereafter no newspaper shall be designated as a corporation newspaper that has not been published as a daily paper in said city of Brooklyn for at least two years before being so designated.

Designation of newspapers to publish notices, etc.

Expenditure limited.

Continuation of present papers.

Must be daily paper for two years.

§ 2. Any sum required to pay for such publication according to the terms of this act, for the portion of the present year remaining after this act takes effect, shall be paid out of the revenue fund of said city of Brooklyn.

Payments during present year.

§ 3. This act shall take effect immediately.

Chap. 360.

AN ACT to legalize the payments made to James W. Birkett by the county of Kings for work and materials on the county farm at Kings Park, Long Island, which were not included in his contract with the board of supervisors of said county, and proposals for which were not advertised for as required by chapter two hundred and thirty of the laws of eighteen hundred and eighty-four.

BECAME a law April 19, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The payments made to James W. Birkett by the county of Kings for work and material furnished by him in

Payments legalized.

excavating and sheathing for sewers on the county farm at Kings Park, Long Island, amounting in the aggregate to the sum of forty-nine thousand, eight hundred and twenty-five dollars, which said work and materials were extra or additional to the work and materials required by his contract with the board of supervisors of said county, dated the first day of February, eighteen hundred and ninety-three, "For the materials and work required for improving and macadamizing the roads and for the extension of the sewers on the Kings county farm, at Kings Park, Long Island," and proposals for the performance of said extra and additional work, or for furnishing said additional or extra materials, were not advertised for or submitted to public competition as required by the provisions of chapter two hundred and thirty of the laws of eighteen hundred and eighty-four, are hereby made and declared valid and lawful, as to each and every of said several payments, and the aggregate amount thereof aforesaid, and the amount of said aggregate payments shall not, nor shall any part thereof, be in any way deducted from the amount remaining unpaid to said James W. Birkett on his contract aforesaid, or from the sum of ten per centum retained by said county under said contract, or charged against the same, but the said James W. Birkett shall be and he is hereby declared to be entitled to receive from said county the amount remaining unpaid to him on said contract, whatever the same may be, together with said ten per centum, without reference to the amount paid for extra or additional work and materials, any judgment or order of any court or officer to the contrary in any wise notwithstanding.

Aggregate amount not to be deducted.

Entitled to amount unpaid on contract.

Repeal.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 364.

AN ACT to create a union free school district of school district number twelve of the towns of Ridgeway and Shelby, in the county of Orleans.

BECAME a law April 19, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. School district number twelve of the towns of Ridgeway and Shelby, in the county of Orleans, is hereby constituted and made a union free school district to be known and designated as union free school district number twelve of the towns of Ridgeway and Shelby, in the county of Orleans, state of New York, and shall be subject to all laws now in force or hereafter enacted, governing, regulating or applicable to union free school districts. Union free school district created.

§ 2. The present board of education of said school district number twelve of the towns of Ridgeway and Shelby, consisting of nine members, and their successors in office to be elected or appointed according to law, at the expiration of the terms of the present members of said board of education, respectively, shall constitute and are hereby constituted the board of education of said union free school district, to be known and designated as the board of education of union free school district number twelve of the towns of Ridgeway and Shelby, in the county of Orleans, state of New York, and shall possess all the powers and be subject to all the duties of boards of education of union free school districts. The other present officers of said district are hereby continued, as officers of said union free school district until their successors are elected or appointed according to law. Board of education. District officers.

§ 3. The academic, or high school department, heretofore created in said district is hereby continued, to be known and designated as the Medina high school; and all by-laws, rules and regulations of the present board of education now in force in said district shall continue in force until changed according to law. High school department. By-laws, rules, etc.

Repeal.

§ 4. Chapter two hundred and eighty-six of the laws of eighteen hundred and forty-nine, as amended by chapter three hundred and twenty-one of the laws of eighteen hundred and fifty, and all other laws amendatory thereof, together with all laws inconsistent with this act, are hereby repealed, but such repeal shall in no wise affect existing contracts, obligations or rights, all of which shall be assumed or executed, and performed by the proper officers of said union free school district hereby created.

Rights,
etc., not
affected.

§ 5. This act shall take effect immediately.

Chap. 365.

AN ACT to repeal chapter seven hundred and fifty-six of the laws of eighteen hundred and seventy-one, entitled "An act to prevent the deposit of carrion, offal or dead animal in the North and East rivers of the bay of New York, or Raritan bay within the jurisdiction of the State of New York," and acts amendatory thereof and supplemental thereto.

BECAME a law April 19, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
repealed.

Section 1. Chapter seven hundred and fifty-six of the laws of eighteen hundred and seventy-one, chapter six hundred and four of the laws of eighteen hundred and seventy-five, chapter four hundred and sixty-three of the laws of eighteen hundred and eighty, chapter four hundred and fourteen of the laws of eighteen hundred and eighty-five, and chapter six hundred and thirty of the laws of eighteen hundred and eighty-six are hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 370.

AN ACT in relation to the public schools in the city of Elmira.

Accepted by the city.

BECAME a law April 22, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The territory embraced within the corporate bounds ^{City school district.} of the city of Elmira shall constitute one school district, to be called "the school district of the city of Elmira," and the boundaries of said school district and of said city shall always coincide; but no change in the boundaries of said city shall take effect as respects said school district until the close of the school year in which such change is made. In case any extension of the boundaries of said city shall divide a school district so as to bring ^{Property, etc., of divided school districts.} within said boundaries any school lands or buildings belonging to such divided district, the trustee or trustees of said district residing without such extended boundaries, or if there be no such trustee at the time of such extension, then such trustee or trustees as may thereafter be elected by the inhabitants of said district residing without said boundaries, and the board of education of said city shall, if they can agree, make such regulations, arrangements or disposition of, or respecting such school lands or buildings as they may deem just and proper, and for that purpose may provide for the joint or common use of said lands or buildings; or may sell the same or any part thereof and make an equitable division of the proceeds of such sale; or the said board or said trustee or trustees may have and retain the exclusive property in and use of said lands or buildings upon making proper compensation to the party surrendering its interest therein; and in case the said trustee or trustees should so hold and use the said lands or buildings, the same shall, for school purposes, form and be a part of said school district, and so long as said land or buildings are so held or so used, they shall be exempt from all taxation within said city. In case said trustee or trustees and said board of education shall fail to agree in whole or part upon such regulations, agreements or disposition of said lands or buildings, the

^{Disagreement of board and trustees in relation thereto.}

matters of difference between them respecting the same shall be submitted to the school commissioner of Chemung county, who shall decide the same subject to appeal upon the matters decided, or any of them, to the superintendent of public instruction in the manner prescribed in section one of title fourteen of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, entitled the consolidated school law.

Commis-
sioner dis-
tricts.

§ 2. The said school district of the city of Elmira shall remain and continue separate and distinct for the purposes and to the extent in this act specified. The commissioner districts shall continue as at present, subject only to such changes as shall be made in making the boundaries of said school district and city correspond, and such changes as the board of education of said city may find necessary at any time to make, provided that no change shall be made which shall reduce the population of a commissioner district to less than three thousand inhabitants.

Board of
education.

§ 3. The present nine school commissioners of the said school district and their successors to be chosen as hereinafter provided, are hereby continued as heretofore constituted, a corporate body in relation to all the powers and duties conferred or imposed by law, and styled "The board of education of the city of Elmira," and are hereby invested with all the powers and charged with all the duties conferred upon them by this act. A majority of commissioners shall constitute a quorum.

School com-
missioner,
election of

§ 4. On the second Tuesday of October, eighteen hundred and ninety-five, and biennially thereafter, there shall be elected in the manner hereinafter provided in each of said commissioner districts, the number of which is an odd number, one school commissioner, who shall be a resident of such district. On the second Tuesday of October, eighteen hundred and ninety-six, and biennially thereafter, there shall be elected in the manner hereinafter provided in each of said commissioner districts, the number of which is an even number, one school commissioner, who shall be a resident of such district. Each commissioner so elected shall hold his office from the day of his election until the second Tuesday of October of the second year thereafter and until his successor be chosen and qualified to act. Each election of a school commissioner herein provided for shall take place and be had at a schoolhouse or schoolhouses of the district electing such commissioner, and the polls therefor and thereat shall be and

Place and
duration of
elections.

continue open from five o'clock in the afternoon until eight o'clock in the afternoon of that day. The said board of education shall cause to be published in a newspaper of said city daily for the period of three days last prior to the day of such election, notice of such election and the places and hours of holding the same. At a meeting of said board of education, the president thereof shall designate a commissioner or commissioners of such board other than the district commissioner of the district electing such commissioner, to preside at such election. In case any such designated commissioner shall, on account of his sickness or other insurmountable cause, be unable to attend and preside at such election, he shall cause notice of such inability, immediately upon the occurring thereof, to be given to the president of such board, who shall immediately thereupon designate and notify in writing another commissioner of such board other than the commissioner of the electing district to preside at such election. Such commissioner designated shall attend and preside over such election. In case, for any cause, there are at the time of holding an election for school commissioners not enough commissioners other than the commissioner of the electing district able to preside at the polls, the president shall appoint the superintendent of schools or secretary of the said board of education to preside at one of the polls with the same powers as a commissioner, and the said superintendent or secretary shall so preside over such election. Such presiding officer shall, at the opening thereof, designate two persons who shall act as inspectors of such election, and whose duties shall be to have at the opening thereof the ballot-box provided by the presiding officer wholly empty of ballots and papers, to keep a true poll-list of the name and residence of each person offering to vote and of each person challenged and voting, and of each person challenged and not voting thereat, and to aid the presiding officer in counting the ballots and ascertaining the result of the election. At any time before or during such election each of the candidates may name one elector of said district as a watcher at the poll of such election district, and the person or persons so named as watchers, and each of them, shall be entitled to be present in the room occupied by the inspectors of election and the presiding officer and in a position and place from which he or they may conveniently, fully and comfortably watch the

Notice of election.

Presiding officer.

Inspectors of election.

Watchers.

reception and deposit of every ballot cast at such election, and the full and final canvass of the ballots cast, and the signing of the proper certificates. In the canvass of the said ballots, upon the demand of a watcher therefor, any ballot may be presented to him for inspection, but no ballot shall at any time be taken by a watcher from the hands of the inspectors. The voting shall be wholly by ballots which shall be of white book paper, cut three inches in width and four inches in length, designated as follows: For school commissioner of district number

(the number of the electing district being inserted in the blank after number) which may be printed or written, and the name of the candidate shall be printed or written near the middle of the ballot and below the designation. The ballot when cast shall be so folded that no printing or writing

shall be exposed to view. The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected, unless he be sworn as to his qualifications as such voter; and the presiding officer shall administer an oath to such person and to any other person offering to vote as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and his right to vote at such election, and such presiding officer shall thereafter examine him as to such qualifications and his right to vote. If he shall swear to the necessary qualifications of a voter, his vote shall then be received and deposited. If the person sworn and examined intentionally swears falsely as to his qualifications as a voter, he shall be deemed guilty of perjury, and shall, on conviction, be punished

as now prescribed by law for the crime of perjury. The presiding officer shall provide a ballot box for the reception of the ballots.

Each ballot shall, by the person offering the same, be delivered to the presiding officer, who shall at once, unless it be challenged or he deem it advisable to administer the oath under the provisions hereinbefore made, deposit the same in the ballot box.

At the close of the polls at such election, the presiding officer and the inspectors thereof shall immediately make a true and correct count of the ballots cast, and the person receiving the greater or greatest number thereof shall be, at the close thereof, declared elected such school commissioner by the presiding officer, who, with said inspectors, shall make and file with the clerk of the city

Ballots.

Challenges

Ballot box.

Manner of voting.

Canvass of votes.

of Elmira within twenty-four hours next succeeding the close of such election, their certificate of the whole number of votes cast thereat, and the number thereof received by each candidate, and of the election of the candidate receiving the greater or greatest number thereof, together with the poll-list of the election, certified to be correct and accurate by them. Every presiding officer or inspector of such election who shall intentionally omit, neglect or refuse to do any act required by this section, or who shall intentionally do any act forbidden herein, shall be guilty of a misdemeanor. The board of education may, if they, at any election of school commissioners, deem it necessary, designate more than one polling place in any commissioner district and divide the district with respect to such polling place or places.

Certificate of result.

Misdemeanor.

Polling places and division of districts.

§ 5. On the Monday next preceding the second Tuesday of October, eighteen hundred and ninety-five, and annually thereafter, on the Monday next preceding the second Tuesday of October, the common council of said city shall appoint two school commissioners for said school district to succeed the two commissioners appointed by the common council, whose term of office shall at that time expire. The persons so appointed shall hold their office from the time of their appointment, respectively, until the Monday next preceding the second Tuesday of October of the second year thereafter, and until their respective successors be appointed and qualified to act. Within ten days after receiving notice of his election or appointment, the person so elected or appointed shall take the oath of office prescribed by the constitution of the State, and file the same with the clerk of the city.

Appointment of commissioners.

Oaths of office.

§ 6. All vacancies which may occur in said board of education, from any other cause than the expiration of their term of office, of the class known as commissioners at large, or commissioners appointed by the common council of the city of Elmira, shall be filled by the common council in the same manner that the original appointments are made, and vacancies occurring in like manner in the class known as district commissioners shall be filled by said board of education. The commissioners so appointed shall hold their offices for the unexpired term of those whose places they are chosen to fill. Any member of the board of education may resign his office by giving five days' previous

Vacancies in board.

Resignations.

notice in writing to the mayor of the city, who may, if he deems the reason sufficient, accept the same.

Removals
for cause.

§ 7. Any member of the board of education may, for neglect of duty, immoral conduct or official misconduct, be removed from office by the common council of the city, by a vote of two-thirds present at any regularly called meeting thereof; but, before final action thereon, a written copy of the charges preferred against said member shall be served upon him, and he shall be allowed an opportunity to explain or refute them.

President
of board.

§ 8. Annually at the first stated meeting of the board of education held after the annual election and appointment of school commissioners as hereinbefore provided, they shall elect one of their number president of the board, and whenever he shall be absent or unable to act, they shall elect a president pro tempore. The school commissioners shall receive no compensation for their services.

No compensation.

Meetings of
board.

§ 9. The board of education shall meet for the transaction of business as often as once in each month, and may adjourn for a shorter time. Special meetings may be called by the president, or in his absence or inability to act, by any member of the board, as often as necessary, by giving personal notice to each member of the board, or causing a written or printed notice to be left at his place of residence or business, at least twenty-four hours before the hour for such special meeting.

Secretary
and librarian.

§ 10. The board of education shall appoint a secretary and librarian, who shall hold their offices during the pleasure of the board, and whose compensation shall be fixed by said board; and the same person may hold the office of superintendent, secretary and librarian. The secretary shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe. The librarian shall have charge of the library or libraries of the district, and may appoint such assistants as may be necessary, from time to time, and such assistants may be removed at any time by the board of education.

Records of
board.

§ 11. The record of the board of education, or a transcript thereof, certified by the secretary, shall be received in all courts as prima facie evidence of the facts therein set forth; and such record, the books, accounts, vouchers and papers of the said

board shall at all times be subject to the inspection of the common council of the city, or any committee thereof.

§ 12. The common council of the city of Elmira shall have ^{Annual school tax.} power, and it shall be their duty, to raise, from time to time, by tax, to be levied upon all the real and personal estate in said school district, which shall be liable to taxation for town or county charges, such sums as may be determined upon, and certified by the board of education, to be necessary and proper, for any or all the following purposes, for the current year :

1. To purchase, lease, or improve sites for schoolhouses.
2. To build, purchase, lease, alter and repair schoolhouses, outhouses, and appurtenances thereunto belonging.
3. To purchase, exchange, improve and repair school apparatus.
4. To procure fuel, and defray the necessary expenses of keeping the schoolhouses in order, exclusive of repairs, including insurance.
5. To defray the contingent expenses of the public schools, and the district library or libraries, including salary of librarian and superintendent.
6. To defray the contingent expenses of the board of education, including the salary of the secretary thereof.
7. To pay teachers' wages, after the application of the public money appropriated by law for that purpose.
8. To pay charges or expenses incurred by law, or necessary to carry this act into effect, or to refund loans contracted by law, and to pay the interest thereon, or to pay such sums as shall be required to fulfill any contract duly made under the provisions of this act.

§ 13. The aforesaid tax, to be levied and collected by virtue ^{Levy and collection of tax.} of this act, shall be levied and collected in the same manner by the city chamberlain, and at the same time that other city taxes are, and the powers, duties and liabilities of the city chamberlain and his sureties shall be the same in reference to the collection of this tax as for other city taxes, and his jurisdiction shall extend, under this act, to all territory embraced in the said school district. If, for any cause, the other city taxes shall not be levied and collected at the time required by the city charter for such levy and collection, this section shall not be so construed as to prevent the levying and collecting of the school tax at that time.

School
funds and
accounts.

§ 14. The money raised for the purpose of school sites, and the building, repairing and furnishing of schoolhouses, shall be known as the "the special school fund," and all other moneys as the "general school fund," and it shall be the duty of the board of education to keep accurate accounts of its receipts and expenditures, distinguishing between those of a general and those of a special character; and it shall not be lawful to expend any portion of the money raised for the use of one of said funds for the purposes of the other of said funds, except by permission of the common council.

Moneys
payable to
chamber-
lain.

§ 15. All moneys raised pursuant to the provisions of this act, and all school moneys by law appropriated to or provided for said school district, shall be paid to the chamberlain of said city, who, together with the sureties upon his official bond, shall be accountable therefor, in the same manner as for other funds of said city, and the common council in fixing the amount of the chamberlain's sureties, shall include the moneys received by virtue of this act. The said city chamberlain shall be liable to the same penalties for official misconduct in relation to said money as for any similar misconduct in relation to other moneys of said city.

Deposit of
funds.

§ 16. All money raised by virtue of this act, or received from any other source, for the use of the public schools, shall be deposited with the city chamberlain for the safe-keeping thereof to the credit of the "board of education" until drawn as hereinafter provided for, and the said chamberlain shall keep the account of funds thus deposited with him separate and distinct from any other funds which he is or may be authorized to receive.

Drafts for
payments.

§ 17. The city chamberlain shall pay out the moneys received by him by virtue of this act only upon drafts drawn by the president and countersigned by the secretary of the board of education, which draft shall not be drawn except in pursuance of a resolution or resolutions of said board, and shall be made payable to the person or persons entitled to receive the money thereon, and shall state on what account said draft is drawn.

Actions
upon cham-
berlain's
bond.

§ 18. The board of education may cause a suit or suits to be prosecuted in the name of the common council of the city of Elmira, upon official bond of the city chamberlain of said city, for any default, delinquency or official misconduct in relation to the collection, safe-keeping and payment of any money in this act mentioned.

§ 19. The said board of education shall have power, and it shall be their duty: Powers of board.

1. To organize, establish and maintain such and so many schools in said "school district" as they shall deem requisite and expedient, and to alter and discontinue the same. Establishment, etc., of schools.

2. To purchase and hire schoolhouses and rooms, lots or sites for schoolhouses, and to fence and improve them. School-houses.

3. Upon such lots and sites owned by said city to build, enlarge, alter, improve and repair schoolhouses, outhouses and appurtenances as they may deem advisable; and for the purchase of said lots and the building and enlargement of such schoolhouses upon obtaining the consent of two-thirds of the common council of said city by a vote thereof duly taken and recorded, to issue the bonds of the city of Elmira to an amount outstanding at any one time, not exceeding two hundred and fifty thousand dollars, payable within twenty-five years from the issue thereof, with interest thereon at not exceeding six per cent., which bonds shall be signed by the mayor of said city and the president of said board, and shall have affixed thereto the respective seals, attested by the respective clerks of said city and said board, and may have attached thereto coupons or warrants for the payment of interest, which may be made payable semi-annually but such bonds shall not be sold for less than par value, with accrued interest, from the date thereof. Building, etc., of school-houses.
Issue of bonds therefor.

4. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages, and to provide fuel for the schools, pay the necessary insurance on buildings and school property, and to defray the contingent expenses of the school library. Apparatus, books, etc.
Insurance and library expenses.

5. To have the custody and safe-keeping of the schoolhouses and all school property belonging to said school district, and to see that the ordinances of the common council in relation thereto be observed. Custody of property.

6. To contract with, examine, license and employ all teachers in said schools, and at their pleasure remove them. Teachers.

7. To pay the wages of such teachers and the superintendent out of the money appropriated and provided by law for the support of common schools in said school district, or by this act. Payment of wages.

8. To defray the contingent expenses of the said board of education, the salary of the secretary thereof and the librarian. Expenses and salaries.

Supervision
of schools.

9. To have in all respects the superintendence, supervision and management of the public schools of said district, and from time to time adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, or the reception of pupils and their transfer from one class to another, or from one school to another, and generally for their good order, prosperity and utility.

Sale of
property.

10. Whenever in the opinion of the board of education it may be advisable to sell any of the schoolhouses, lots or sites, or any of the school property now or hereafter belonging to the corporation, to report the same to the common council.

Ordinances
and regula-
tions.

11. To prepare and report to the common council such ordinances and regulations as may be necessary and proper for the protection, safe-keeping, care and preservation of schoolhouses, lots and all property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually, on or before the day for the last regular meeting of the common council in March, to determine and certify to the common council the sums in their opinion necessary or proper to be raised under the twelfth section of this act for the year commencing on the first day of August thereafter, specifying the amount required for each of the purposes therein mentioned.

Annual es-
timate of
sums nec-
essary for
school pur-
poses.

By-laws,
etc., of
board.

12. From time to time to adopt, amend or repeal such by-laws, rules and regulations respecting the meetings of said board and the transaction of its affairs as may be deemed proper.

Approval of
estimates
by council.

§ 20. Upon the reception of the report of the board of education by the common council of the city of Elmira, in relation to the amount of money necessary for school purposes, as directed to be made in preceding section, the common council shall proceed to consider the same, and approve, increase or diminish any or all of said estimates; provided, however, that the aggregate amount shall not fall below a sum sufficient to defray all the necessary expenses for the support of the public schools in the school district of Elmira, for the succeeding year. After having fixed the amount to be expended for each and all the purposes mentioned in the last preceding section, the same shall be certified to the board of education, who shall, during such fiscal year, limit the expenditures for such purpose, so that the same shall not exceed the appropriation.

Certifica-
tion to
board.

Limitation
of expendi-
tures.

§ 21. Between the first and fifteenth days of August in each year the board of education shall make and transmit to the State superintendent of public instruction a report of the condition of the schools under their supervision in such form and embracing such statistics as the said superintendent and the laws of the State require. ^{Report to state superintendent.}

§ 22. The academy which now is, and any academy or high school which may hereafter be, connected with the public school system of said school district shall be subject to the visitation of the regents, and shall be entitled to participate in the distribution of the income of the literature and other funds in the same manner and upon the same conditions as other academies of the State; and the regents of the university of the State of New York shall pay annually to the board of education of Elmira, the distributive share of the said funds to which the said academy shall be entitled. ^{Academy and high schools subject to visitation of regents. State moneys.}

§ 23. The schools provided for under this act shall be free to pupils between the ages of five and twenty-one years, who are actual residents of said school district. The board of education shall decide all questions of residence arising under this section. The said board may allow the children of non-residents to attend the schools of said district, and shall prescribe the rates for the tuition of such non-residents, and also for all pupils over twenty-one years of age. ^{Admission of pupils to schools. Non-resident pupils.}

§ 24. The said board of education shall be trustees of the school libraries of said school district, and all the provisions of law which are now in force, or hereafter may be passed, relative to school libraries, shall apply to said board of education in the same manner as if they were trustees of a school district. They shall be vested with the same discretion as to the disposition of moneys appropriated by the laws of this State for the purchase of libraries which is therein conferred on the inhabitants of school districts, and they shall have power to purchase, exchange, repair or dispose of any books or other property of said libraries, or cause it to be done, and apply the proceeds to the purchase of other books or apparatus; also to provide suitable rooms and furniture for said libraries. ^{Trustees of school district libraries.}

§ 25. The title of the schoolhouses, sites, furniture, books, and all other school property, belonging to the said school district, shall be vested in the city of Elmira; and the same, while used or ^{Title to school property.}

Exemptions.

Real and personal estate.

appropriated for school purposes, shall not be levied on or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city, in its corporate capacity, shall be competent to take, hold, and dispose of any real or personal estate transferred to it by grant, gift, bequest or devise, for the use of the schools of said school district, whether the same be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons, or corporation, for the use of said schools.

Sale of property by council.

§ 26. The common council may, upon the recommendation of the board of education, sell any of the property, including existing sites, held by virtue of this act, upon such terms as they shall deem most advantageous; and the proceeds of all such sales shall be paid to the chamberlain of the city, and shall be by said board of education expended in the purchase, repair or improvement of schoolhouses, sites, or appurtenances, furniture or apparatus.

Annual report of receipts and disbursements.

§ 27. It shall be the duty of said board of education, at least fifteen days previous to each annual election for commissioners, to prepare and report to the common council, a true and correct statement of the receipts and disbursements under the provisions of this act during the preceding year, in which account shall be stated under appropriate heads:

1. Money raised by the common council under the twelfth section of this act.

2. The school moneys received by the chamberlain of the city from the county treasurer.

3. The moneys received by the chamberlain of the city under the twelfth section of this act.

4. All other moneys received by the said city chamberlain, subject to the order of the board of education, specifying the sources from which they shall have been derived.

5. The manner in which such sums of money shall have been expended, specifying the amount under each head of expenditure; and the common council shall, ten days before such election, cause the same to be published in one or more of the newspapers of said city.

Power of council to pass ordinances, etc.

§ 28. The common council shall have power, and it shall be their duty, to pass such ordinances and regulations as the board of education may report as necessary for the protection, preservation, safekeeping and care of schoolhouses, lots, libraries and

property belonging to or connected with the schools of said school district, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in the act to incorporate said city; and all such penalties, and all others by this act imposed, shall be collected in the same manner that the penalties for violations of the city ordinances are by law collected; and, when collected, shall be paid to the chamberlain of the city to the credit of the board of education, and shall be subject to their order in the same manner as other moneys raised pursuant to the provisions of this act.

§ 29. It shall be the duty of the city clerk, with due diligence, after the appointment of commissioners by the common council and after receiving notice of election in the districts, personally, or in writing to notify the persons chosen of their appointment or election; and any person who, without sufficient cause, shall refuse to serve therein shall forfeit the sum of ten dollars, and every person so elected or appointed and not having refused to accept, who shall neglect to discharge the duties of such office, shall forfeit the sum of twenty dollars to said board of education. It shall be the duty of said board of education forthwith to prosecute for all forfeitures and penalties under this act when voluntary payment is refused, and when received, to apply the same to the purposes of education in said district. All officers mentioned in this act shall be deemed public officers within the intent and meaning of section two of article one of chapter six hundred and eighty-one of the laws of eighteen hundred and ninety-two, and as such subject to the conditions therein prescribed.

§ 30. The superintendent of the public schools of said school district may be, ex officio, secretary of the board of education. He shall be under the direction of the board of education, and they shall prescribe his general duties. In addition to such other duties as may be devolved upon him by the board, in the visitation and superintendence of the schools, he shall examine the qualifications of teachers and grant certificates in such manner and form as may prescribed by the State superintendent or by the board of education, and which may at any time be revoked by said board of education. He shall be paid a salary out of the general fund, to be fixed by the board of education, and may be removed from office by the vote of a majority of all the members of the said board, who may, by a like majority, appoint his successor.

Repeal.

§ 81. All the acts and parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed, so far as they affect this act.

§ 82. This act shall take effect immediately.

Chap. 371.

AN ACT to amend chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act to revise the charter of the city of Elmira."

Accepted by the city.

BECAME a law April 22, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section four of title two of chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act to revise the charter of the city of Elmira," is hereby amended so as to read as follows:

Elective city and ward officers.

§ 4. The officers of said city shall consist of one mayor, one recorder, one city judge, four constables, to be elected by the city at large; two aldermen and one supervisor, to be elected in each ward; one city clerk, one chamberlain, one city attorney, one overseer of the poor, one city sealer and three assessors, who shall be appointed by the mayor and common council; three cemetery commissioners, two fire commissioners, four police commissioners, four park commissioners, two commissioners of public works, one superintendent of public works, one engineer and surveyor and such other officers as are hereinafter or by the general laws of the State authorized and provided, and who shall be appointed as hereinafter or by said general laws provided.

Appointive officers.

§ 2. Section five of said title two of said act, is hereby amended so as to read as follows:

Annual city election.

§ 5. An election for city officers shall be held annually on the first Tuesday of March in each year, at such places as shall be designated by the common council. A notice of such election shall be published at least six consecutive days next prior thereto in at least two of the principal daily newspapers printed in said city. There shall be chosen thereat by the electors of the city voting in their respective wards and districts, whenever the

Notice thereof.

Officers to be chosen and their terms.

term of an incumbent is about to expire, one mayor, who shall hold his office for two years; one recorder, who shall hold his office for four years; one city judge, who shall hold his office for four years; four constables, who shall hold their office for one year; and also by the electors of each ward for such ward, one alderman and one supervisor, who shall hold their respective offices for two years.

§ 3. Section seven of said title two of said act, is hereby amended so as to read as follows:

§ 7. The common council shall have authority to subdivide the several wards into election districts in accordance with the general election laws; and said districts, when so designated by said council, shall constitute election districts for all State, general and other elections to be held in said city, unless herein otherwise provided; and all provisions of law applicable to election districts and to the inspectors and other officers of election therefor and therein shall apply to said election districts, inspectors and other election officers.

§ 4. Section twelve of said title two of said act is hereby amended so as to read as follows:

§ 12. If any vacancy shall happen in the office of alderman, it shall be the duty of the common council to appoint a special election to fill such vacancy. Notice of such election shall be given, and such election shall be held in the manner prescribed in this act, and the election law. The person chosen at such special election to fill such vacancy shall hold such office for the residue of the term of office of the person in whose place or stead he shall be elected. If any vacancy shall happen in the office of city judge, a city judge shall be elected at the next city election thereafter, at which a city officer might lawfully be elected, and he shall after duly qualifying enter upon his office on the first day of April next following his election, and hold the same for the full term of four years. The office of city judge in the meantime and until the person so elected shall enter upon the same, shall be filled by the acting city judge appointed by the mayor and common council as hereinafter provided. If any vacancy shall happen in the office of recorder, a recorder shall be elected at the next city election thereafter at which a city officer might lawfully be elected, and he shall after duly qualifying enter upon his office on the first day of April next following his election,

Election districts.

Vacancies in office of alderman.

Vacancies in office of city judge.

Vacancies in office of recorder.

and hold the same for the full term of four years. The office of recorder in the meantime and until the person so elected shall enter upon the same, shall be filled by the acting recorder appointed by the mayor and common council as hereinafter provided.

§ 5. Section fifteen of said title two of said act is hereby amended so as to read as follows:

Official
books.

§ 15. The recorder, city judge, clerk of the city court, superintendent of public works, and such other officers as may be required thereto by the common council shall severally, before they enter upon their duties as such officers, execute and file with the clerk a bond to the city of Elmira in such sum as the council shall direct, and with such sureties as the mayor shall approve, conditioned that they will faithfully discharge the duties of their respective offices, and pay over all moneys received by them respectively.

§ 6. Section twenty-four of title three of said act is hereby amended so as to read as follows:

Power to
issue sum-
mons.

§ 24. The common council or any committee thereof, or any board or body of commissioners, created or authorized by the provisions of this act, shall have power to issue a summons to any person to appear and testify before them in respect to any matter pending before or referred to them. Such summons may be served at any place within the county of Chemung, in the same manner as subpoenas for witnesses in criminal cases. Any person who shall refuse to attend in obedience to any such summons may be arrested by order or attachment, which may be issued by the mayor or recorder upon due proof of the service of such summons and of such refusal and committed to the county jail or other place of detention until he appear and will testify as required. Such witness so refusing to attend may also be fined and imprisoned for disobedience of such summons by the mayor or recorder in the same manner and to the same extent as witnesses refusing to attend in obedience to a subpoena duly issued by a justice of the peace. Whenever any person summoned as a witness as hereinbefore provided shall refuse to be sworn or affirmed, or to answer any pertinent and proper question, the mayor or person presiding at the hearing may forthwith commit such person to the county jail or other proper place of detention for a period not exceeding twenty days, or until he will be sworn

Refusal to
obey same.

Commit-
ment of
persons re-
fusing.

or affirmed or answer such question. Such commitment shall be made by warrant directed to the sheriff of the county or other officer having such place of detention in charge, and shall recite the cause of such commitment, and the officer shall keep such person in close confinement as directed thereby.

§ 7. Section thirty-one of title four of said act is hereby amended so as to read as follows:

§ 31. It shall be the duty of the mayor on or before the first regular meeting of the common council held in April in each year to present to said common council a statement in writing containing an estimate of the amounts or sums of money necessary to be raised for defraying the expenses of the city for the current year. Such statement shall contain:

a. An estimate of the sum necessary for defraying the salaries and pay of officers other than officers and employes in the fire, police and park departments, and other contingent expenses of the city not otherwise provided for, to be designated "general fund."

b. A sum necessary to defray the expenses of the police department, including the salaries of the officers of said department, to be designated "police fund."

c. A sum necessary for lighting the streets, lanes and public buildings of the city, and the cost and expenses of maintaining and keeping in repair the lamps, lamp-posts, and all necessary fixtures connected therewith, to be designated "lamp fund."

d. A sum necessary for building, grading, repairing, cleaning and keeping in good order the unpaved streets, for cleaning paved streets, for cleaning, repairing and building crosswalks, for putting down superficial macadam and cleaning and repairing the same, to be designated "street fund."

e. A sum necessary to defray the expenses of building, rebuilding, and repairing bridges, culverts, sluiceways, and for cleaning out creeks and water-courses, to be designated "bridge and water-course fund."

f. A sum necessary to defray the expenses of constructing, repairing and keeping in order the sewers, to be designated "sewer fund."

g. A sum necessary for maintaining and improving the public parks and the property belonging therein, to be designated "park fund."

Fire department fund.

h. A sum necessary for supplying and keeping in good condition and repair, fire-engines, engine-houses, fire-alarm telegraph, teams and other things deemed necessary for the extinguishment of fires, and for paying the salaries and wages of the officers and employes of the fire department, and to procure a supply of water for the extinguishment of fires, to be designated "fire department fund."

Limitation of amounts

Provided, that for all the purposes in this section above stated, the said estimate and the sum voted therefor in pursuance of section fifty-one of this act, shall not exceed one hundred and seventy-five thousand dollars.

Principal and interest of bonds.

i. A sufficient sum to pay interest on all bonds issued by said city, or for which it may be liable, and also all the principal and installments of principal of said bonds falling due within the then current year, and for all other liabilities of said city, for the payment of which provision shall not be otherwise made.

Other liabilities.

§ 8. Section thirty-five of said title four of said act, is hereby amended so as to read as follows :

Overseer of poor, his appointment and term.

§ 35. At the first regular meeting of the common council after organization subsequent to the annual election next after the expiration of the term of office of the present overseer of the poor in and for said city, or as soon thereafter as may be, and each and every two years thereafter, it shall be the duty of the mayor to nominate and submit to the common council the name of an elector of the city of Elmira for the office of overseer of the poor of said city. If such nomination be confirmed by the vote of a majority of the common council, including the mayor, the person so nominated and confirmed shall be declared appointed to said office of overseer of the poor. He shall hold his office for two years, or until his successor is appointed. Every person appointed overseer of the poor shall, within ten days after being duly notified, give security for the faithful performance of the duties of his office, in such manner and to such amount as the common council may direct, and the accounting for all moneys which may pass through his hands, or his office shall be deemed vacant and shall be filled in the manner hereinbefore provided. He shall, subject to the provisions of this act, have the same power, perform the same duties, and be subject to the same restrictions and liabilities as overseer of the poor in any town of Chemung county. He

Security for performance of duty.

To have power of town overseer.

shall keep his office in some central and convenient part of the city, to be approved by the common council, and shall, at the first regular meeting of the common council in each month, report to it in detail all expenses, appropriations and allowances made by him as such officer during the preceding month, which report shall specify the name of each person relieved, with the quantity and price of each article furnished, and from whom obtained.

Office,
where kept.

Monthly
report.

§ 9. Section forty-two of said title four of said act is hereby amended so as to read as follows:

§ 42. The assessors appointed in the city of Elmira shall perform all the duties herein specified in relation to the assessment of property within said city, as well for the purpose of levying the taxes imposed by the board of supervisors of Chemung county as by the common council of said city. Each assessor shall receive for compensation for all services rendered under this act, or by virtue of any statute, an annual salary of three hundred dollars, except one of such assessors, to be selected by the board of assessors, shall receive in addition to the salary above provided, the sum of five hundred dollars annually. Such last-mentioned assessor shall attend at an office to be designated by the common council on each day of the year except Sundays, legal holidays and days when he shall be engaged with the board of assessors, to hear and note, for the use and action of the board of assessors, all complaints and requests in regard to corrections in the assessment-roll. The said assessors shall possess all the powers and authority of town assessors, and shall make the assessment-roll of said city in the same manner as such town assessors, under and in pursuance of the second article of the second title of the thirteenth chapter of the revised statutes, except as herein provided. Between the first days of May and August in each year they shall proceed to ascertain by diligent inquiry the names of all the taxable inhabitants in the city, and also all the taxable property, real and personal, within the same. The notices required by the nineteenth and twentieth sections of said article shall be given as provided therein, except that the same shall specify that the said assessment may be seen and examined by any person interested therein for ten days next preceding the third Tuesday of August in each year, excepting Sundays, instead of the time in said section prescribed, and

Assessors,
their duties.

Compensation.

One of assessors to be in attendance at office.

Assessment-roll.

Notices of review.

Completion
of assess-
ments.

the same shall be published in all the daily papers printed in said city, and shall designate a public office as the place where the assessors will review their assessments, and where said roll may be seen and examined. The assessment shall be completed, and with all other papers required by said article to be filed, shall be delivered to the clerk of said city on or before the Thursday succeeding the third Tuesday of August in each year.

§ 10. Section forty-three of said title four of said act is hereby amended so as to read as follows:

Correction
of assess-
ment-roll.

§ 43. The common council is vested hereby with the exclusive power to correct the assessment-roll of said city in respect to taxes imposed by virtue of this act in the same manner as a board of supervisors may by law correct the town rolls of their county, and shall have and possess all the powers in relation to the correction or otherwise of such city assessment-rolls that boards of supervisors have or may have by statute in the case of town assessment-rolls and town or county taxes. The city clerk shall correct all clerical errors in the description or valuation of property in said roll under the direction of the common council and make an exact and correct copy of the assessment-roll so made and corrected as aforesaid, and certify the same to be correct, and deliver the same to one of the supervisors of the said city on or before the first day of November in each year, which shall be presented and delivered by him to the board of supervisors of Chemung county, as and for the town-roll of said city.

Clerical
errors.

Delivery of
copy to su-
pervisor.

Power of
board of
supervisors

Nothing in this section contained shall be construed to prevent the said board of supervisors from exercising in respect to the assessment-roll of said city so delivered to them, or the taxes imposed by them thereby, the same powers as are vested in boards of supervisors in respect to town assessment-rolls and town and county taxes, or any correction thereof.

Property
omitted
from roll,
how as-
sessed.

(a.) Whenever it shall appear to the assessors of said city that any land or property of any kind liable to taxation therein has been omitted, stricken, erased or taken from the assessment-roll of said city of the next preceding year by reason of mistake or accident, it shall be the duty of the said assessors to assess and enter the said land or property in the assessment-roll of the current year at its value the said preceding year, as such value may be determined by them in a separate column from the valuation of the current year.

(b.) The common council, upon the petition of one or more of said assessors, stating that such land or property was omitted or taken from any assessment-roll of said year by reason of mistake or accident, shall enter and insert the same in the assessment-roll of the current year, and shall proceed to levy a tax on the same at the rate per centum of the tax imposed on such property in said city in said preceding year, and shall, upon a like petition stating that any such land or property has been omitted, stricken, erased or taken from the assessment-roll of the current year by reason of mistake or accident, enter and insert the same in the said assessment-roll, and correct the same accordingly, at its proper value as may be determined by them, and tax the same at the rate per centum of the said current year. The common council may perform the like acts upon any proper proof authorizing the same in the absence of such petition. The whole tax levied upon such land or property or omitted or taken from the tax levy of the preceding year as aforesaid, shall be deducted from the aggregate of taxation to be levied upon said city for the current year before such tax is levied, and the same shall be collected in the same manner as the other taxes imposed in said city for the current year are collected. The common council of said city, or the mayor thereof, for the purposes aforesaid, and the said assessors, for the purpose of the assessment of property, shall have the power and it shall be their duty to ask and demand of and from any bank or other corporation in said city in which the shares of stock thereof are liable to taxation, a true statement in writing, signed by one of the officers thereof, stating the amount of the capital stock thereof, the number of shares held by each person, naming them, and the amount and the value thereof respectively. The said bank or other corporation shall, within three days thereafter, furnish and deliver to the said common council or mayor and assessors the statement aforesaid, and in case of their neglect or refusal so to do within the time aforesaid, shall each so refusing by neglecting be liable to a penalty therefor of fifty dollars, and the further penalty of twenty-five dollars for each and every day so neglecting or refusing.

Entry of omitted property on tax-roll and levy and collection of tax.

Statements from corporations.

Penalty for neglect to furnish same.

§ 11. Section forty-six of said title four of said act is hereby amended so as to read as follows:

§ 46. The fiscal year of the city shall commence on the first Tuesday in February, and it shall be the duty of the chamberlain

fiscal city year.

Annual report of chamberlain.

to present to the common council, on the third Monday of February in each year, a printed report for the preceding fiscal year, showing in detail the debt of the city, when payable, and the provisions for paying the principal and interest, its receipts and expenditures, the actual cost of maintaining the city government and keeping its property in repair, and also an estimate of the expenditures for the ensuing fiscal year and the means from which such expenditures are to be paid, and also such other information and suggestions in relation to the affairs of the city as he may deem proper. Said report shall be approved by the finance committee of the common council for the preceding fiscal year.

§ 12. Section seventy-two of title five of said act is hereby amended so as to read as follows:

Restrictions upon borrowing money.

§ 72. The common council shall not borrow, and is hereby expressly prohibited from borrowing any money on account of the city, except as hereinbefore provided, and except for the purpose of anticipating, as far as may be necessary, the receipt of the general annual tax; and all sums borrowed for that purpose shall be paid within the fiscal year in which the same are borrowed, and from the tax assessed for that year. The said council shall not create any pecuniary obligation whatever on the part of the city, except as herein otherwise provided, which shall not be payable within the year for which the council creating said obligation was elected, and which cannot be discharged from the income of the same year, but this prohibition shall not affect the provisions of this act hereinbefore contained in regard to obligations for or respecting the expenditures of any sum raised by special tax. The civil year in said city shall be deemed to commence on Tuesday next after the annual city election.

Creation of obligations against city.

Civil year.

§ 13. Section one hundred and two of said title seven of said act is hereby amended so as to read as follows:

Clerk and temporary clerk for city court.

§ 102. The city judge shall also appoint a clerk for the city court, who may be either the person appointed stenographer by him, pursuant to the next preceding section, or any other suitable person; and the city judge shall have power to remove said clerk whenever it shall in his judgment be advisable. He shall also engage another clerk, from time to time, to serve in the absence of the clerk. The regular clerk and each occasional clerk, during the period of his employment as such, shall be an

officer of the court, and shall before entering upon the discharge of his duties subscribe and take the oath of office prescribed by the constitution of this State, and file the same with the city clerk. It shall be his duty to attend upon said court during the time it is by section one hundred and twenty-six of this act required to be kept open for business, and to keep the dockets and books of account thereof, and to make up the returns to the county court therefrom under the direction of the city judge. He shall have power to take affidavits for use in said court, and to issue summons and precepts in summary proceedings, subpoenas and executions on judgments duly docketed, and final orders in summary proceedings duly entered, and in the absence of the city judge and acting city judge to join issues and adjourn cases.

Oath of office.

Duties and powers of clerks.

§ 14. Section one hundred and five of said title seven of said act is hereby amended so as to read as follows:

§ 105. Said court shall have the same jurisdiction over the persons of defendants as is now possessed by justices' courts of towns pursuant to the provisions of section twenty-eight hundred and sixty-nine of the code of civil procedure, and for the purpose of conferring jurisdiction of the person the said city of Elmira shall be deemed a town and said court a justice's court thereof.

Jurisdiction over persons of defendants.

§ 15. Section one hundred and thirty-six of title eight of said act is hereby amended so as to read as follows:

§ 136. The said commissioners, with the mayor, shall constitute the board of public works for the city of Elmira, of which board the mayor shall be president, and the city clerk the clerk, and any two members of said board shall form a quorum for the transaction of any business other than the dismissal of subordinate officers.

Board of public works.

Quorum.

§ 16. Section one hundred and thirty-eight of said title eight of said act is hereby amended so as to read as follows:

§ 138. Said board shall appoint one city engineer and surveyor by the concurring vote of at least two of its members. He shall receive such annual salary, not exceeding two thousand dollars, as may be fixed by said board, payable monthly. Said board may employ such and as many assistants to said city engineer and surveyor as in its judgment may be necessary.

City engineer, appointment and salary of.

Assistants.

§ 17. Section one hundred and thirty-nine of said title eight of said act is hereby amended so as to read as follows:

Superintendent of public works.

§ 139. Said board shall appoint, by the concurring vote of at least two of its members, a superintendent of public works, who shall receive an annual salary not exceeding twelve hundred dollars, to be fixed by the said board, payable monthly. Said board may appoint one or more sidewalk inspectors, who shall serve during the pleasure of the board, as a salary not to exceed two dollars per day, respectively, while actually employed, to be paid out of the street fund.

Sidewalk inspectors.

§ 18. Section one hundred and forty of said title eight of said act is hereby amended so as to read as follows:

City engineer, his term and duties.

§ 140. The city engineer and surveyor shall hold his office during the pleasure of the board of public works. He may be dismissed by the vote of at least two of its members. He shall, under the direction of the board of public works, have the general supervision of the construction, building, repairing or relaying of all pavements, sewers and bridges of the city, and by and with the approval of the board, may appoint inspectors or superintendents upon any such work, and discharge any such inspector or superintendent. He shall perform such other duties with regard to surveying, engineering and other similar work as the board of public works or the mayor or the common council may prescribe or direct.

§ 19. Section one hundred and forty-one of said title eight of said act is hereby amended so as to read as follows:

Superintendent of public works, his term and duties.

§ 141. The superintendent of public works shall hold his office during the pleasure of the board of public works. He may be dismissed by the concurring vote of at least two of its members. He shall, under the direction of the board of public works, superintend all repairs and improvements, or work to be done or performed upon any of the public highways, streets, walks, grounds, or property of said city, except as otherwise provided in this act, hire and employ the requisite laborers, direct them as to the time and manner of the execution of their work, and certify to the board of public works as often as said board may require, all persons who shall have been employed as aforesaid, and the hours or days of labor performed by each. He shall not, directly or indirectly, employ his own team or wagon, nor shall he be directly or indirectly interested in any work or in any contract for work,

Not to be interested in contracts, etc.

or furnish material for said city, under the penalty of the forfeiture of his office.

§ 20. Section one hundred and forty-two of said title eight of said act is hereby amended so as to read as follows:

§ 142. Said board of public works shall have exclusive authority to expend the moneys provided and directed by said common council to be raised, and forming the following named funds: the "street fund," the "bridge and water-course fund," and the "sewer fund." The expenditure of each of such funds shall be for the purpose or purposes hereinbefore prescribed for them respectively.

Expenditure of funds by board of public works.

§ 21. Section one hundred and forty-three of said title eight of said act, is hereby amended so : to read as follows:

§ 143. Said board of public works shall audit and certify to the common council of said city all just demands and claims presented to it for purchases by said board, and for all work, labor and services rendered under its employment, and all expenditures by it and herein authorized. The salaries provided for in this title of the city engineer and surveyor and assistant or assistants to him, and of the superintendent of public works shall be payable out of the "general fund."

Audit of claims by board.

Salaries, payable out of general fund.

§ 22. Section one hundred and forty-four of said title eight of said act is hereby amended so as to read as follows:

§ 144. The board of public works shall annually, and at the last stated meeting of the common council in each civil year, report to the common council the amount of money estimated by said board to be necessary to be expended for each of the following purposes for the current year, to-wit:

Annual estimate.

a. To defray the expenses of grading, repairing and cleaning and keeping in good order the unpaved streets; to defray the expenses of cleaning paved streets; to defray the expenses of cleaning, repairing and building crosswalks; to defray the expenses of putting down a superficial macadam, the same not to cost to exceed the rate of seventy-five cents per square yard; to defray the expenses of keeping in repair and cleaning macadamized streets. The aggregate amount of the foregoing estimates shall be known and designated "street fund estimates."

Street fund estimates.

b. To defray the expenses of building, rebuilding or repairing bridges, culverts, sluiceways; to defray the expenses of cleaning

Bridge and water-course fund estimates.

out or repairing waterways; of cleaning out creeks and other water-courses under the charge of the city. The estimated expenses for such purposes shall be known and designated as "bridge and water-course fund estimates."

Sewer fund estimates.

c. To defray the expenses of constructing and repairing sewers and keeping the same in good order, the same to be known and designated as "sewer fund estimates."

§ 23. Section one hundred and forty-five of said title eight of said act, is hereby amended so as to read as follows:

Powers of board of public works.

§ 145. Said board of public works shall have exclusive power and authority to

a. Fix the grades of and grade, repair, clean and keep in good order the unpaved streets of said city; clean or cause to be cleaned and kept clean the paved streets; fix grades for all public sidewalks and curbings, and fix the width thereof; alter the grade of any existing public street, sidewalk or curbing, when in its judgment it shall be necessary so to do; set or lay suitable curb-stones and gutters on or along the side of any street or highway; reset or relay any curbstone or gutter whenever in the judgment of said board it may be necessary so to do; build, repair and clean the public crosswalks; put down superficial macadam; keep in repair and clean macadamized streets, and do any regrading, constructing and repairing of the public streets when in its judgment it shall be necessary.

Bridges, culverts, etc.

b. Build, rebuild or repair the public bridges, culverts and sluiceways; clean out the waterways and repair the same; clean the creeks and other water courses under the charge of the city.

Sewers.

c. Construct all public sewers and all lateral connections therewith in said city, and repair or extend the same.

Paving and repairing of streets.

d. Pave or repave any streets or any part or portion of any street in such manner and with such material as in the judgment of said board may be deemed best; repair a pavement upon any street, or any part or portion of any street, in such manner and with such material as in the judgment of said board may be deemed best.

Routes of travel for teamsters, etc., may fix, etc.

e. By its order, to be published for one week in all the daily newspapers published in said city, fix the route of travel for teamsters, draymen and draft wagons, and exclude from their use streets or parts of streets not necessary to their service in the receipt or delivery of merchandise or material.

f. Permit the opening of and excavating in any public street or sewer of said city at such time and in such manner and under such superintendence thereof as said board may prescribe in their order granting such permission. Any expense incurred by said board in any such superintendence, restoration or repairment, shall be a lien until paid upon the premises or lot for the benefit of which any such work was done, to be enforced as unpaid claims for the construction of sidewalks as directed to be enforced in said city, and said city shall have a lawful demand against the applicant to whom such permission may have been given, and such expense may be sued for in the name of the city, and when collected, shall be paid to the chamberlain of said city, and by him credited to the fund against which said expense is properly chargeable.

g. Determine the place for planting and the relative location of any shade or ornamental trees in the streets of said city, and the pruning and trimming thereof, and of any trees now in such streets; and to that end shall adopt general rules and regulations in reference thereto, which rules and regulations shall be published once in each week for three successive weeks in all the daily newspapers of said city. Any owner or occupant of premises in said city in front of which there shall be any shade or ornamental tree or trees, who shall neglect to comply with such rules and regulations in reference thereto twenty-four hours after service or the posting of a copy of such rules and regulations in a conspicuous place on said premises, shall be subject to a penalty not to exceed five dollars, to be sued for and recovered by the city of Elmira, and paid to the city chamberlain of said city and by him credited to the "street fund." The said tree or trees may be pruned and trimmed under the direction of the said board. The expense thereof shall be collected by said board from such owner in addition to and in the suit for the penalty above provided.

h. Order the building, altering or repairing of all sidewalks; regulate or change the grade and width of all sidewalks; regulate or change the width of space between a sidewalk and the curb line in the street.

i. Make all necessary purchases, contracts, and engagements, hire, employ and engage all persons, teams, implements and articles, and do all the acts necessary to enter upon and com-

plete the powers and duties imposed upon it by this act. The said board in the exercise of each and every of said powers, shall not exceed the sum of money or fund legally applicable thereto.

§ 24. Section one hundred and forty-seven of said title eight of said act is hereby amended so as to read as follows:

Ordinances
regulating
width of
wagon
tires.

§ 147. The common council may at the request of the board of public works enact such ordinances as it may deem necessary, regulating the width of tires of draft wagons. The term "draft wagon" in this act shall mean a wagon to carry a load of twelve hundred pounds or more.

§ 25. Section one hundred and forty-eight of said title eight of said act is hereby amended so as to read as follows:

Tax for
pavement
fund.

§ 148. In addition to the sum hereinbefore authorized to be raised, the common council shall, in the year eighteen hundred and ninety-five, and each year thereafter, levy upon the taxable property of said city a sum not to exceed twenty-five thousand dollars, and place the same to the credit of a fund which shall be known and designated as the "pavement fund." The board of public works shall have full charge of expending said pavement fund, and shall expend the amount thus levied and raised, or so much of it as may be necessary in paving or repaving streets of the city or repairing pavements.

Expen-
diture
thereof.

§ 26. Section one hundred and forty-nine of said title eight of said act is hereby amended so as to read as follows:

Paving or
repaving,
cost of,
how borne.

§ 149. A street surface railway company owning or operating a railway upon a street or a portion of a street paved or repaved, shall pay to the city chamberlain the entire cost of the paving between its tracks, the rails of its tracks including switches and turnouts, and a space one foot in width outside of and adjacent to the either exterior rail of its track or tracks, including switches or turnouts. The owners of the property adjoining such street upon which a street surface railway is constructed or operated or the said portion thereof so paved or repaved, shall pay to the city chamberlain two thirds of the balance of the entire cost of the paving thereof, apart from the cost of paving the intersections with other streets. The owners of the property adjoining a street or the portion of a street paved or repaved upon which a street railway is not constructed or operated, shall pay to the city chamberlain two-thirds of the entire cost of the paving thereof apart from the cost of paving the intersections thereof

with other streets. The owner or owners of each property shall pay proportionately to the frontage of his, their, or its property upon the street, and the quantity of pavement chargeable to said property shall be estimated from the curbing in front of said property to the center line of said street in case no street railway is constructed or operated upon the portion of said street adjacent to said property; or the line one-foot outside of the exterior rail of a street railway track nearest said curbing, if a street railway be constructed or operated upon the portion of the street adjacent to said property.

§ 27. Section one hundred and fifty of said title eight of said act is hereby amended so as to read as follows:

§ 150. A street surface railway company shall pay to the city chamberlain the entire cost of repairing the pavement between its tracks, the rails of its tracks including switches and turn-outs, and for one foot in width outside of and adjacent to the either exterior rail of its track or tracks including switches or turn-outs. The owner or owners of each property adjoining a street or a portion of a street upon which a street surface railway is constructed or operated, shall pay to the city chamberlain the entire cost of repairing the pavement upon the portion of the street adjacent to his property from the curbing in front of his said property to the line one foot outside of the exterior rail of the said street railway track nearest said curbing. The owner or owners of each property adjoining a street or the portion of a street upon which a street railway is not constructed or operated, shall pay the entire cost of repairing the pavement upon that portion of the street adjacent to his property from the curbing in front of his said property to the center line of said street. The city shall pay the cost of paving or repaving or repairing the pavement upon the intersections of streets, except that portion of such cost which must be paid by the street surface railway company constructing or operating a street surface railway thereon as hereinbefore provided.

Repairing
pavements,
cost of,
how borne.

§ 28. Section one hundred and fifty-one of said title eight of said act is hereby amended so as to read as follows:

§ 151. The amount to be paid by a street surface railway company or the owner or owners of each property for paving or repaving a street or any portion thereof or for repairing the pavement upon any street or any portion thereof, shall as soon

Assessment
of cost of
paving or
repaving.

as practicable, be ascertained by the board of public works, and by it assessed to said company, or the owner or owners of such property and upon such property. Said board of public works shall thereupon deliver the statement of such ascertainment and assessment to the common council, which shall thereupon give public notice in one morning daily newspaper and one evening daily newspaper of said city that the same has been delivered to it, and that it will on a certain day therein specified, which shall be at least ten days after the first publication of said notice, consider the same for the purpose of confirmation. At the time so specified any person interested may appear before the common council and apply to have such assessment altered or corrected as justice may require. The common council may thereupon alter and correct and thereupon confirm such assessment without further notice. The amount so assessed to a street surface railway company shall thereupon become and at all times thereafter the portion thereof remaining unpaid at any time shall remain and constitute a lien, charge and assessment upon the entire of the property of said street surface railway company. The amount of each other of such assessments shall be a lien upon the real property upon which it is assessed. The common council upon confirming said assessment shall forthwith transmit the same or a copy thereof certified by the city clerk to the city chamberlain. Any amount so assessed or the part thereof remaining unpaid at any time with the accumulated interest thereon as herein provided, may be paid at any time. Any amount or assessment for paving or repaving may be paid in five equal succeeding annual installments. The first installments shall be paid during the fiscal year in which the paving or repaving is done. At the expiration of sixty days after the assessment therefor is made, interest at the rate of four per centum per annum upon the sum unpaid shall be paid with each of said installments. Any amount or assessment for repairing pavement shall be paid within sixty days after being so fixed and reported to the common council, and the assessment therefor is thereby made. The expense of setting or laying suitable curbstones and gutters on or along the sides of the streets, or setting or relaying any curbstones or gutters shall be paid from the "street fund;" and shall be a charge upon the property fronting or adjoining the streets or highways in which

Plan of assessments.

Payment of assessments.

Expense of setting or laying curbstones and gutters.

such work is done; and shall be paid and payment thereof shall be enforced in the same manner as is provided herein for the payment and enforcement thereof of amounts to be paid for repairing pavements. Any gutter forming part of a pavement shall not be within this provision. The amounts paid by property owners under the foregoing provision shall be by the city chamberlain credited to the "street fund."

§ 29. Section one hundred and fifty-two of said title eight of said act, is hereby amended so as to read as follows :

§ 152. When the board of public works, by resolution, ^{Repairs, etc., of railway tracks before paving or repaving.} declares its intention to pave or repave any street, or any portion of any street, upon which a street surface railway is constructed or operated, it shall notify the company which constructed, or is operating said railway, of such intention; and thereupon it shall be the duty of such street surface railway company forthwith to make all needful repairs, changes or improvements in the track or tracks thereof, and the materials and construction thereof, and put such railway in such condition that the board of public works may most advantageously do such paving or repaving. The board of public works may order and direct such street surface railway company to make such changes in the materials and construction of said railway as may be necessary to enable said board to so lay said pavement that it will be workmanlike and durable, and subject to the least possible disturbance. Whenever the board of public works shall by ^{Laying of water and gas mains and conduits.} resolution declare its intention to pave or repave any street or any portion of any street, in which a water-main or a gas-main or a conduit for telephone or telegraph wires is not laid or placed, it may by its order in writing direct the laying or placing therein forthwith of such lacking main or conduit. Such order shall be served personally upon an officer or the local managing agent at Elmira of the company affected by said order. In case of the ^{Board may lay mains.} failure or neglect of the company so ordered to so lay said main or conduit, said board of public works may lay or place the same of such size, material, quality and construction as it may deem suitable for said street, and the entire cost and expense thereof shall be a lien, charge and assessment upon the entire property of said company. The board of public works shall forthwith ^{Assessment and collection of expense.} upon completing any such main or conduit ascertain and assess the entire cost and expense thereof so to be borne by said com-

pany to said company and the entire of its property; and shall deliver a written statement of such assessment to the common council, which shall cause public notice to be given by publication in one morning daily newspaper and one evening daily newspaper of the city that the same has been delivered to it and that it will on a certain day therein specified, which shall be at least ten days after the first publication of said notice, consider said assessment for the purpose of confirmation. At the time so specified any person interested may appear before the common council and apply to have such assessment altered or corrected as justice may require. The common council may thereupon alter and correct and thereupon confirm such assessment without further notice. The common council shall then deliver such assessment or a copy thereof certified by the city clerk to the city chamberlain. Immediately upon the confirmation thereof by the common council, said assessment shall become a lien, charge and assessment hereinbefore provided, and shall remain such until paid. Said assessment shall become due at the expiration of sixty days next subsequent to said confirmation, and shall be paid within said sixty days.

Payment of
assessments.

§ 30. Section one hundred and fifty-three of said title eight of said act is hereby amended so as to read as follows:

Unpaid as-
sessments,
return of.

§ 153. In case any assessment shall have become due and payable, and any part thereof remain unpaid, it shall be the duty of the city chamberlain to report the same to the city clerk, who shall deliver said report to the common council. The common council shall thereupon issue their warrant under the hands of the mayor and the city clerk and the corporate seal of the city, for the collection of such due and unpaid assessment or the part thereof remaining unpaid, to the city chamberlain, who shall proceed to collect the same out of the personal property of the corporation or person or persons so assessed within sixty days after the receipt of such warrant by said chamberlain. Said chamberlain may proceed under said warrant the same as a sheriff proceeds under an execution against the personal property of the judgment debtor. If the chamberlain shall return said warrant at the expiration of sixty days unsatisfied in whole or in part, said assessment or the part thereof then remaining unpaid shall be enforced as a lien in the following manner: The city clerk, in preparing and extending the next succeeding assess-

Warrant
for collection.

Collections
under war-
rant.

Enforce-
ment of
lien.

ment-roll for general city taxes, shall insert therein against the property on which it was assessed the amount of such unpaid assessment, with interest thereon at the rate of ten per centum per annum from the time when due to the first of July thereafter. Such amount shall be in a separate column from the general city tax to be levied for the current year, and the entire amount shall be collected as hereinbefore provided in reference to general city taxes, and if such amount is not paid the land or the property assessed shall be sold therefor as hereinbefore provided in sections fifty-six and fifty-seven, and said sale and the effect thereof and the rights thereunder shall be controlled by the provisions hereinbefore relative to the sale of lands for general city taxes in so far as the same may be applicable thereto. All moneys received or collected on account of paving or repaving or repairing pavements shall be by the city chamberlain credited to the "pavement fund." The expense and cost of laying a water main or gas main or conduit shall be paid from the "pavement fund," and when collected shall be by the city chamberlain credited to said pavement fund. On assessments heretofore unpaid, the property assessed may be sold for such assessment as heretofore provided in the city charter. The common council is hereby expressly prohibited from levying in any one year a sum exceeding twenty-five thousand dollars for the "pavement fund," nor shall there be levied or raised by taxation a sum which, in addition to the balance to the credit of the said "pavement fund," at the end of the preceding fiscal year, shall exceed the sum of forty thousand dollars, except that moneys received or collected on account of paving or repaving done with the avails of bonds of said city shall not be deemed any part of the said balance.

Sale of
property.

Pavement
fund, re-
ceipts
and ex-
penditures of.

Asses-
ments her-
etofore un-
paid.

Limitation
of tax for
pavement
fund.

§ 31. Section one hundred and fifty-four of said title eight of said act is hereby amended so as to read as follows:

§ 154. Before any street in which a sewer, water or gas main is placed, shall be paved or repaved, the board of public works shall make, after notice to and failure of the owner or owners of property adjacent thereto and not having the pipe connections hereinafter designated so to do, pipe connections with said sewer, water or gas main, or either thereof as the case requires, therefrom to the sidewalk side of the curbing at such locations and of such size and dimensions as it may determine; the expense of

Pipe con-
nections
with mains
before pav-
ing.

which connections shall be a charge upon the property or properties adjacent to said street on account of which they were respectively made, and shall be paid or collected in the same manner as the expenses of repairing pavements as hereinbefore provided, and each provision herein relative to the payment or collection of the expense of repairing pavement shall be applicable to the payment and the collection of the expense of making any such pipe connection. All connections with sewers, water or gas mains shall extend to the sidewalk side of the curbing on said streets. Any gas or water main or conduit for telephone or telegraph wires shall not be laid or placed upon or in any paved street except under the supervision of the board of public works. The actual expense of the supervision shall be paid by the company doing the work, and may be recovered by the board of public works in an action at law therefor in the name of the city, after the refusal of said company to pay the same upon demand therefor. The said board of public works may by its order or regulation require that pavements torn up or displaced or disturbed by any water company or gas company or telephone or telegraph company, or street surface railway company, shall be repaired or replaced by the board of public works only, in which event the expense of such replacing or repairment shall be paid by the company necessitating such repairing or replacement, and may be recovered in an action at law in the name of the city against said company, or may be collected in the same manner as the expense of repairing a pavement as hereinbefore provided.

Supervision
of laying
of mains,
conduits,
etc.

Restoration
of pav-
ments dis-
turbed by
companies

§ 32. Section one hundred and fifty-five of said title eight of said act is hereby amended so as to read as follows:

Notice to
build or
repair side-
walks.

§ 155. Whenever said board shall order a sidewalk to be made, built, rebuilt, altered or repaired, it shall give notice to the owner of the premises along or in front of which such walk is ordered to be made, built, rebuilt, altered or repaired, by causing a copy of such order to be delivered to such owner personally and left with him, or in case of his absence from his residence or place of business, by leaving such copy with person of suitable age and discretion at his residence or place of business, or by publishing the same for six days in one morning daily newspaper and one evening daily newspaper of said city, or such notice may be given by depositing the same in the postoffice in said city, properly directed, to him, wherever his

place of residence may be, and paying the postage thereon. If such owner shall not make or cause to be made, built, rebuilt or repaired said sidewalk in the manner and within the time specified in said order, the board of public works shall cause the said walk to be made, built, rebuilt, altered or repaired, and any and all expenses incurred in such construction, alteration or repairs, together with the cost of collecting the same, shall be a lien on the lot along or in front of which said walk shall have been made, built, rebuilt, altered or repaired, and may be enforced and the expenses thereof may be collected either by an action at law in the name of the city against the owner of said lot, or in the same manner and under and in accordance with the provisions herein made for collecting the expense of repairing pavements.

If Board may cause work done.

Expenses, collection of.

§ 33. Section one hundred and fifty-six of said title eight of said act is hereby amended so as to read as follows:

§ 156. The superintendent of public works, under the direction of the mayor, shall have power to rebuild or repair any sidewalk, or clean or remove any obstruction thereon, when notice to the owner of the property adjacent thereto to so rebuild or repair or clean said sidewalk or remove the obstruction thereon shall have been disregarded by the said owner or the owners of said property for the twenty-four hours immediately following the giving thereof. A notice to the occupant of the said property shall be a sufficient notice to the owner. Such notice shall be written or printed, and may be served personally or by mail or by leaving it at the building or dwelling upon said property. In case said property is vacant and the owner or owners be not a resident or residents of the city, then the superintendent of public works may do either of such acts without the service of said notice. The owner or owners of said property, or the occupant or occupants thereof, shall pay the actual cost of any such work or repairs upon demand therefor, and said sum may be recovered in an action at law in the name of the city against any owner or occupant of said property, or may be collected in the same manner as under the provisions of this act may be collected the expense of repairing pavements.

Powers of superintendent as to sidewalks.

Notice to owners or occupants.

Payment or recovery of expenses.

§ 34. Section one hundred and fifty-seven of said title eight of said act is hereby amended so as to read as follows:

§ 157. All corporations and persons except a street surface railway company, constructing a railway under the consent of

Disturbing pavements, etc., without consent.

the common council are hereby prohibited from disturbing, tearing up or removing any pavement or any portion of any pavement, or any macadamized street, or any portion thereof, without the written consent thereto of the board of public works, or two of the members thereof. Said board of public works may adopt such rules and regulations, and may make such order or orders relative to digging or excavating the streets, disturbing, tearing up or removing any pavement or portion thereof, or any macadamized street or portion thereof, interference with the streets, constructing, repairing or cleaning sidewalks, the placing or removal of shut-offs in water pipes or water mains, or gas pipes or mains in or from the street, the placing of pipe connections, the placing of man-holes or conduits, acquiring facilities or opportunities for properly making main and service pipe connections, the removal and disposition by railroad companies of the snow from, or thrown or displaced from their track or tracks upon the streets, the maintaining in safe, suitable and proper conditions the streets or sidewalks and all matters or things essential to the performance of the duties and the fulfillment of the rights given them by the provisions of this act as it in its judgment may deem necessary and wise. Orders, rules and regulations, general in their character, must be published daily for one week in one morning daily newspaper and one evening daily newspaper of the city, and thereupon shall become effective and obligatory. Orders, rules and regulations special in their character shall take effect upon the service thereof personally or by mail, upon the person or persons affected thereby, unless a different time be specified in such order, rule or regulation. The board of public works shall determine whether improvements herein authorized to be made by them shall be by advertisements for bids and lettings by contract, or by direct employment, and shall determine the details of such improvements. Whenever the board of public works contemplates expending a sum exceeding five hundred dollars for any one piece of pavement or sewer, it shall be the duty of the said board to advertise for bids for such work, and to let such piece of pavement or sewer by contract. Said board shall have the right to reject any such bid. Said board shall cause a map to be made of the sewers and lateral connections now existing, and shall delineate thereon from time to time any

Rules and regulations, board may adopt.

Publication, general rules.

Special rules, etc.

Board to determine details of improvements.

Contracts for work.

Map of sewers and connections.

sewers and lateral connections that may be constructed or opened, with the size and kind of material thereof, and file the same in its office, or the office of the city engineer and surveyor. Said map shall, during all business hours, be open to public inspection. Said board shall audit a properly verified account of the expense thereof, and certify the same to the common council, who shall audit and pay the same from the "general fund."

§ 35. Section one hundred and fifty-eight of said title eight of said act is hereby amended so as to read as follows:

§ 158. No member of said board of public works, nor the city engineer and surveyor, nor the superintendent of public works, nor any foreman, superintendent or inspector employed by said board, or either of said officers, shall be pecuniarily interested, directly or indirectly, in any bid, letting or contract, to which said board, or either of said officers, shall be a party, or in any job, work, team or labor of any person employed by it or either of said officers in the discharge of their official duties.

Not to be interested in contracts, &c.

§ 36. Section one hundred and fifty-nine of said title eight of said act is hereby amended so as to read as follows:

§ 159. Any person neglecting to comply with or violating any order, rule or regulation, the said board is authorized, by this act to make, or any of the provisions of the city charter relating to the streets, sidewalks or sewers in said city, shall be subject to a penalty not to exceed twenty-five dollars for each offense; and in case an order requires the doing of any act or the making of any change, repair or improvement, to an additional penalty not exceeding fifty dollars, to be fixed by said board in said order for each day on which compliance with and obedience to said order is neglected or refused, to be sued for and recovered by the city of Elmira, and to be credited to the "street fund," and shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or be imprisoned not exceeding fifty days, or by both, such fine and imprisonment, in the discretion of the court.

Penalty for violation of rules, etc.

§ 37. Section one hundred and seventy-seven of title ten of said act is hereby amended so as to read as follows:

§ 177. The police department of the city of Elmira shall be under the general control and management of a board of police, which shall be composed of the mayor and four police commissioners. On the first Tuesday next after the annual election in

Board of police.

Appoint-
ment of
commis-
sioners.

each year, or at some subsequent meeting, and as soon thereafter as may be, the mayor shall nominate from the electors of said city, not holding any other city office, and by and with the consent of the common council manifested by the concurring vote of, at least, a majority of all the members of the common council, including the mayor, shall appoint two police commissioners in the place of those whose terms of office shall next thereafter expire. The term of office of every police commissioner shall be two years, and shall commence on the first day of April next after the month of March fixed for his appointment aforesaid. All appointments of police commissioners, however, shall be so made that two of the police commissioners shall belong to each of the two principal parties represented in the common council.

Terms of
office.

Party
representa-
tion.

§ 38. Section one hundred and ninety-one of said title ten of said act is hereby amended so as to read as follows:

Recorder
and acting
recorder,
oath and
bond of.

§ 191. Each recorder and acting recorder of said city who shall enter upon the discharge of the duties of his office after the thirty-first day of December, eighteen hundred and ninety-four, shall before entering upon the duties of his office, take and file with the city clerk the oath of office prescribed by law for judicial officers, and a bond in such penalty and with such sureties as the common council of said city shall decide and approve, for the faithful discharge of his duties as recorder or acting recorder, according to the provisions of this act. The common council shall provide a suitable office for the recorder of said city. It shall be the duty of the recorder to attend at such office between the hours of nine o'clock in the forenoon and twelve o'clock at noon, and between the hours of two o'clock and five o'clock in the afternoon of each day, except Sundays, legal holidays and the period of his vacation, and to hear such matters issue such processes and institute such proceedings as the proper administration of justice requires, in accordance with the powers and jurisdiction hereinafter conferred upon him. The recorder of said city shall receive an annual salary of one thousand five hundred dollars, which shall be in lieu of all expenses for clerical assistance in the performance of his duties, and which, less such deductions as shall be made by the common council therefrom as hereinafter provided, shall be paid to him in equal monthly installments by the city chamberlain of said city on the first day of each month upon written orders signed by the mayor and

Office and
business
hours.

Salary.

city clerk. There shall be allowed to the said recorder a vacation of fifteen days in each year of his term, for which number of days no deduction shall be made in his salary. Such vacation may be taken in consecutive days or otherwise, at different times during the year, as the recorder may elect, and it shall be his duty to specify in his monthly report to the common council whether any day or days on which he has failed to perform the duties of his office in the preceding month were taken by him either as the whole or any part of said vacation; but nothing in this section shall be construed as allowing to the said recorder more than fifteen days vacation in any year of his term by reason of his failure to take the full number of fifteen days in any preceding year thereof. With the exception of the time herein allowed as a vacation, the recorder shall not be paid for such time as he fails to perform the duties of his office as hereinafter provided, and the ratable proportion shall be deducted from his salary because of any such failure to perform his duties, and such deduction shall be paid by the city chamberlain upon written orders signed by the mayor and city clerk, to the acting recorder hereinafter provided for, who acted during such period. The amount of said deduction shall be detained by the common council. The recorder and acting recorder shall each report to the common council at the first regular meeting thereof in each month, the time, if any, during which the recorder shall have failed in the next preceding month to attend to the duties of his office as aforesaid, and the time, if any, during which the acting recorder shall have acted in the place of the recorder, as hereinafter provided in the next preceding month. The recorder may be removed from office in the same manner as a justice of the peace as provided by title two of the code of criminal procedure, and the constitution of the State of New York.

Vacation.

Deduction from salary.

Reports of absence.

Removal of recorder.

§ 39. Section two hundred and twenty-two of title thirteen of said act is hereby amended so as to read as follows:

§ 222. The mayor or the chairman of any committee or special committee of the common council, or the presiding officer of any board or body of commissioners created or authorized by the provisions of this act shall have power to administer any oath or take any affidavit in respect to the matter pending before the common council or such committee, board or body, and any person who may be required to take any oath or affirmation, or

Oaths and affidavits administered of.

Perjury.

to make any affidavit or statement under oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Repeal. § 40. Section two hundred and twenty-nine of said title thirteen of said act is hereby repealed.

Repeal. § 41. Section two hundred and thirty-three of said title thirteen of said act is hereby repealed.

§ 42. This act shall take effect immediately.

Chap. 373.

AN ACT to amend chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," with reference to possession of lands in condemnation proceedings.

Accepted by the city.

BECAME a law April 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended

Section 1. Section thirty-five of title twenty-two of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," shall be hereafter known as section thirty-six.

§ 2. Title twenty-two of said act is hereby amended by adding thereto a section to be known as section thirty-five, as follows:

Possession of lands in condemnation proceedings.

§ 35. At any time after the commissioners of appraisal heretofore or hereafter appointed in any proceeding for the condemnation of land or any interest in land, instituted by or in behalf of the city of Brooklyn, pursuant to any of the provisions of this act, have taken their oaths of office, the said city may, at its option, to be exercised by the commissioner of city works, or his successor, with the consent of the mayor, without any suit

at law or proceeding for that purpose, enter upon, use, occupy and enjoy the land or interest in land thereby sought to be acquired, anything to the contrary thereof in this act contained notwithstanding; provided, however, that in all cases of street openings, whether for general or sewer purposes, before any such entry shall be made, the board of assessors shall, when requested by, the said commissioner, examine into the matter and determine whether the lands and premises within the district of assessment will be benefited to the amount of the probable cost of the improvement. If they shall determine that such lands and premises will be so benefited, then such entry may be made and such determination shall be in lieu of any further report by them on that subject. Any proceeding in which any entry is made pursuant to the provisions of this section shall not thereafter be discontinued.

§ 3. This act shall take effect immediately.

Chap. 374.

AN ACT to revise, amend and consolidate the several acts relating to the village of Norwich, and to repeal certain acts and parts of acts.

BECAME a law April 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. An act entitled "An act to revise, amend and consolidate the laws in relation to the village of Norwich, in the county of Chenango," being chapter one hundred and seventy-one of the laws of eighteen hundred and fifty-seven, and the several acts amendatory thereof and supplementary thereto, are hereby revised, amended, repealed, and consolidated, so as to read as follows:

TITLE I

Section 1. **Boundaries.**—All that tract or parcel of land in the town of Norwich, Chenango county, and State of New York, embraced within the following limits, that is to say: Beginning at a point on the west bank of the Chenango river on the division line between the lands of William Ransford, and the lands of

Haskell Ransford in eighteen hundred and fifty-seven, thence running westerly on said division line and said division line continued westerly to the east bank of the Canasawacta creek; thence southerly along the east bank of said creek, as it winds and turns, to the west line of the Chenango canal lands, in eighteen hundred and fifty-seven; thence southerly along the west line of said canal lands to the north line of the lands of the Norwich Cemetery Association; thence west on said north line of the lands of the Norwich Cemetery Association to the west line of said lands; thence south along the west line of the lands of the Norwich Cemetery Association to the south line thereof; thence easterly along the south line of the lands of the Norwich Cemetery Association to the west line of the highway leading from Norwich to Oxford; thence along the west line of said highway and said line continued northerly to the north bank of the Canasawacta creek; thence along the north bank of the Canasawacta creek, as it winds and turns, to the west bank of the Chenango river; thence northerly along the west bank of Chenango river, as it winds and turns, to the place of beginning, shall be hereinafter known by the name of the "village of Norwich," and said territory, together with the inhabitants residing therein, shall be and form a body politic and corporate by the name of "the village of Norwich," and are hereby declared to be vested with and in possession of all the estate, real and personal, rights, powers, privileges and immunities, which at the time of the passage of this act appertain and belong to the said village of Norwich, and by that name they and their successors shall have perpetual succession, and be capable in law of suing and being sued, prosecuting, complaining or defending in any court of law or equity; may adopt and use a common seal, and alter the same at pleasure, and take, hold, purchase, sell, assign and convey any such real or personal estate as the purposes of the corporation may require, and as shall be authorized by a majority of the taxable inhabitants at an annual or special meeting; to receive by gift, devise or bequest real and personal property, subject to all the provisions of law now existing, relating to devises and bequests by last will and testament; to raise by tax such sums of money as shall be duly determined as hereinafter provided, for all purposes including streets and bridges; but such sums shall not exceed in the aggregate in any one year a sum equal to one

per cent. of the assessed valuation of said corporation, as appears from the assessment-roll of the village in the last preceding year.

TITLE II.

Village Officers, their Election, Appointment and Qualifications.

Section 1. Officers.—The rights and franchises of the corporation shall be exercised by means of officers to be elected or appointed as hereinafter specified, who are designated as follows:

1. A president, who shall be a trustee.
2. Six other trustees.
3. A chief engineer and two assistant engineers.
4. A collector.
5. A treasurer.
6. A clerk.
7. A street commissioner.
8. Three assessors.
9. A police justice.
10. A fire warden.
11. A board of health, consisting of five members.
12. Five police constables and such special policemen as are hereinafter authorized.

§ 2. Election.—The president shall be elected by ballot annually by the electors of said village, and shall hold his office until the next annual election of said village, and until his successor shall have qualified; at the election to be held on the first Monday in March, after the passage of this act, there shall be elected, by ballot, two trustees, who shall hold office for one year, two trustees who shall hold office for two years, and two trustees who shall hold office for three years, and at each succeeding annual election two trustees shall be elected by ballot who shall hold office for three years, and until their successors shall qualify. At the election to be held on the first Monday in March, prior to the expiration of the term of office of the police justice heretofore elected, and at the annual election to be held in each third year thereafter, there shall be elected a police justice whose term of office shall commence on the first day of January following such election, and shall continue for three years. All other officers shall hold their respective offices until the next annual election of said village, and until their respective successors shall be appointed and have qualified, unless removed, as hereinafter

provided. No person shall be competent to hold any office in said village unless he shall at the time of his appointment or election be a resident and elector thereof, and each trustee must be a person competent to vote upon a resolution to raise money by tax. In case a vacancy shall at any time arise, either in the office of president, trustee or police justice, such vacancy shall be filled by appointment by the board of trustees until the next annual election; and in case such vacancy shall arise in the office of trustee or police justice who shall have more than one year to serve, a successor shall be elected at such next annual election to serve for the balance of the unexpired term; if there shall be at the same time three or more vacancies in the office of trustee, such vacancies shall be filled for the respective unexpired term by election by ballot, at a special election to be forthwith called for the purpose of filling such vacancies. All vacancies in any other offices shall be filled for the respective unexpired term by appointment by the board of trustees.

§ 3. Oath and bond.—The several officers elected or appointed must each, before entering upon the duties of his office, take and subscribe the constitutional oath of office. And the collector, treasurer and police justice shall also file with the clerk a bond or undertaking to “the village of Norwich,” in an amount and with sufficient sureties, to be approved by the board of trustees, conditioned for the faithful performance of the duties of their respective offices, and the paying over and duly accounting for all sums of money which shall come into their hands respectively by virtue of their respective offices.

§ 4. Qualifications.—Every person qualified to vote at a general election and who has been a resident of said village, thirty days next preceding such election, shall be entitled to vote for any elective officer at any election held pursuant to this act; but no person shall vote at any annual or special election upon any proposition to levy any tax or appropriate any money, unless such person or his wife shall be the owner of real or personal property liable to be assessed to raise such money, and shall have been assessed upon the last town assessment-roll as the owner of property liable to be assessed for village taxes.

§ 5. Time and place.—The annual election under this act shall be held on the first Monday in March in each year, at such place within said village as the trustees shall, by notice, desig-

mate. If no such designation shall be made, then such election shall be held at the place where the last annual election was held. If the trustees shall deem such place improper or unsuitable, an adjournment may be had to any suitable and proper place in said village, by a majority of the electors then assembled, not less than twenty-five in number, taken between the hours of eight and nine o'clock in the forenoon, in which case the further proceedings at such election shall be held at the place to which such an adjournment shall be made. It shall be the duty of the trustees to give at least two weeks' notice of the time and place of the annual election by publishing the same in each of the newspapers published in said village, or by posting a written or printed notice thereof in each of ten public places in said village; but a failure to give such notice shall not render invalid the election of any officers made at such election. The trustees, or any three of them, to be designated by the board, are hereby constituted and declared to be inspectors of election at elections held under and by virtue of this act, with all the powers and duties of inspectors of elections of towns.

§ 6. Polls.—The polls at all elections held under and by virtue of this act shall be opened at eight o'clock in the forenoon, and shall be held open without intermission until four o'clock in the afternoon.

TITLE III.

Board of Trustees.

Section 1. Organization.—The board of trustees shall consist of the president and six trustees. The president shall preside at all meetings of the board, and shall have a vote on all questions. The board may appoint one of said trustees to be president, pro tem., who, in the absence of the president from the village or his inability to act, shall act and perform all the duties of president; and they may, in the absence of the clerk, appoint one of the trustees clerk pro tem. It shall require at least four members of the board to constitute a quorum. All meetings of the board shall be public, and all persons may attend the same, and all acts and proceedings of the board shall be entered on the village record. The concurrence of four trustees shall be requisite to pass any resolution or ordinance

which necessarily involves the appropriation of any money or property of the village, or for any assessment upon lots for sidewalks or streets, or laying out, altering or discontinuing a street or declaring a nuisance and directing its removal or abatement. Votes upon any question shall be taken by yeas and nays whenever required by any trustee.

§ 2. **Stated and special meetings.**—The board of trustees shall hold stated meetings at least once in each month, and at such other times as they shall by vote or resolution direct. They may also hold special meetings, to be called by the president, or by the clerk, on request of at least three trustees, at such time and place as the written notice to be served on the trustees shall direct; or without notice, if all the trustees are present. If held pursuant to notice, such notice shall specify the object of the meeting, and shall be served personally, or left at the residence of each member of the board at least two hours before the time of meeting. Within one week after each meeting of the board of trustees, the clerk shall complete and record in the book of the village records a full, concise and accurate statement of the various votes, accounts audited, stating the amount, persons for whom and for what audited, and of all proceedings of said board at such meeting necessary or proper to be recorded.

§ 3. **Powers and duties of the board of trustees.**—The said board of trustees shall have the care, management and control of the finances, and of all the property, real and personal, and also the custody of the records, papers and seal, belonging to the said corporation, subject to the provisions and restrictions of this act; and may keep all buildings and other property of the corporation in repair, and insured against damage or loss by fire; and shall also examine, settle and audit all accounts against the village, of its officers or others, as hereinafter provided; and the said board of trustees are hereby authorized and empowered:

1. To declare and define the duties and manner of discharging the same, of all the officers of the corporation whose duties are not specially prescribed by this act, and to add to the duties of those officers whose duties are thus prescribed, if the board of trustees deem necessary, and to fix the salary or compensation of such officers, if not fixed by this act.

2. To appoint all officers of the village not made elective by this act, and to designate annually three of their number to act as assessors, who shall possess the powers and perform the duties of assessors as hereinafter prescribed; to fix and determine the salary or compensation of all employes of the village, not otherwise provided for by this act; but said board of trustees or any member thereof, shall not receive any salary pay or emolument whatever, except while acting as assessors, and as assessors they shall receive the compensation of four dollars per day for the time actually employed in performing the duties of assessors, not exceeding five days; and no member of the board of trustees shall hold the office of street commissioner, firewarden, treasurer, collector, or clerk; the firewarden and chief engineer of the fire department shall each receive the annual salary of thirty dollars; and no officer of the village shall receive any salary or compensation, as such officer, except as specifically provided in this charter.

3. To remove all appointive officers of the village, for cause, after notice and opportunity to be heard, and to appoint others to fill their places, as provided in this act.

4. To provide for the care, custody and preservation of the public property, records and papers of the village; and to provide a place of meeting.

5. To see that all officers of such village perform their duties faithfully and correctly, and to cause measures to be taken to punish any neglect or improper performance of duty by any of them.

6. To give notice in the manner prescribed by this act, of the annual or special elections of said village, which notice shall specify the officers to be chosen at any election, and also the resolutions, question or questions to be voted upon at any special election; and it shall be the duty of said trustees, upon the petition of twenty-five taxpayers, to submit to an annual election any resolution embodied in said petition, or to a special election to be called for the purpose.

7. To call special elections and meetings in said village for such purposes and at such times as the interests of the village, in their judgment, shall require, due notice of any such election or meeting, and of the questions or resolutions to be voted on thereat, being given, as hereinbefore provided.

8. To carry into effect every resolution duly adopted at any election or meeting of such village legally convened.

9. To employ, at the expense of the village, suitable persons to do or to perform any act or service for the village required or authorized by law, and which the trustees shall deem necessary to be done.

10. To audit accounts and claims against such village; to draw a warrant on the treasurer for the payment of every account or claim allowed by them; and to publish a statement of the accounts and claims audited and allowed by them as required by this act.

11. To fix the amount and decide upon the sufficiency of the sureties in the official bond of the collector, treasurer, police justice, and all other officers of such village who are required by this act, the general laws, or the board of trustees, to give a bond.

12. To prescribe the manner, subject to the provisions of this act, in which the treasurer shall keep the accounts and vouchers, and the clerk shall keep the books, records and papers of such village; to provide all such books and blanks as shall be deemed necessary for that purpose, and to examine such accounts, records and papers from time to time, and correct any errors therein.

13. To compel the attendance and testimony of witnesses before the board of any committee thereof, in respect to any matter pending before or referred to it, by process, to be issued by the president, and to be enforced by such board or committee in the same manner as process against witnesses in criminal cases. And the president of the board, or any officer of any committee thereof, is hereby empowered to administer oaths to witnesses in all cases pending before or referred to them.

14. To require any officer of the village to furnish reports, information, specifications or estimates whenever deemed proper.

15. To prevent vice and immorality, to preserve peace and good order, and to prevent and quell riots and disorderly assemblages.

16. To restrain and suppress disorderly and gaming-houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within the said village.

17. To regulate and fix the closing of saloons, shops and places where intoxicating liquors are sold, in case of riot, public dis-

turbances or other emergency, which, in their discretion, requires it to be done.

18. To prohibit and suppress houses of ill-fame or of assignation, and to apprehend and punish keepers of the same.

19. To apprehend and punish common prostitutes, vagrants, beggars or disorderly and drunken persons, and persons unnecessarily congregated upon the walks or corners, or in hallways of buildings, or disturbing a public assembly.

20. To license, regulate or prohibit all exhibitions of natural or artificial curiosities, caravans of animals, theaters and opera houses, theatricals and other shows and exhibitions, circuses and other performances for money, within the bounds of said corporation, and to regulate parades, exhibitions, and the parading and playing of bands of music upon the streets and in public places therein. But nothing herein shall be construed to prevent the delivery of literary, historical and scientific lectures in said village, the use of apparatus illustrating the same and the receiving of money for the same; nor shall any church fair, concert or other entertainment, under the auspices and for the benefit of any church or religious body in said village, be prevented thereby, and no license shall be required for the delivery of such lectures, or for such church fair, concert or other entertainment.

21. To restrain and prohibit the running at large of sheep, cattle, horses, swine or other animals, or fowls, and to authorize the distraining, impounding and sale of the same for the penalty and cost of keeping, and the proceedings.

22. To make regulations for registering, confining and muzzling of dogs, and preventing the same from running at large, and to destroy such as may be found at large contrary to any ordinance, and to impose and collect a fee for such registering.

23. To prohibit the abuse of animals, to compel the hitching of animals while standing in the street, and to prevent animals being hitched or fastened in the streets of said village to any shade or ornamental tree, or for an unreasonable time, or unreasonably exposed in cold or inclement weather.

24. To regulate and prohibit the erection, keeping or using of slaughter-houses or pigstys, or the keeping of swine in said village; to direct the location of markets and houses or places for storing gunpowder or other explosive material, or volatile and

inflammable substance, and to regulate the conveying and keeping of gunpowder and other explosive or dangerous materials, and the use of candles or lights of any kind, or fires in barns and stables, and other places liable to take fire.

25. To regulate and prohibit the exhibition of fireworks, the storing of gunpowder or other explosive or dangerous materials, together with the power to prohibit the keeping of the same in dangerous quantities, the firing of guns, pistols, powder or other explosive substance, and the building of bonfires within said village.

26. To regulate, prohibit and prevent the ringing of bells (other than church bells for divine service), blowing of whistles, and the making of any improper and disturbing noises in said village; and the racing and immoderate driving of horses, and to authorize the stopping of any one who shall be guilty of immoderate driving or riding in the streets; and also the flying of kites, rolling of hoops, playing at ball, throwing snow balls or other missiles, coasting or the use of bicycles, tricycles and velocipedes, in and upon the sidewalks and streets of said village, or any other amusement practiced having a tendency to endanger or annoy persons passing on the streets or sidewalks, or to frighten teams or horses in said village.

27. To regulate or prohibit the encumbering of the streets, parks, public places, sidewalks, crosswalks, lanes and alleys, with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, building materials, fire-wood, coal or any other substance or material whatsoever.

28. To regulate or prohibit the erection or construction of any projection from or in front of any building in, over or upon any of the streets or sidewalks in said village, and to cause the same to be removed at the expense of the owner or occupant of the premises, and to enforce the penalty prescribed for neglect or failure to make such removal.

29. To provide for the proper drainage of the streets of said village, and to that end to construct, maintain or repair all necessary drains in the streets, lanes, alleys or public grounds of said village.

30. To license, regulate or prohibit the hawking, peddling or auctioneering of goods, wares and merchandise or property of any kind, in or upon the streets, sidewalks, and public grounds

of said village, and in said village, except sales made under any judgment, execution or authority conferred by statute, or in satisfaction of specific liens; to restrain, regulate or prohibit all gift, enterprises or sales of goods founded upon or connected with any gift, raffle, lottery or chance in said village; and to regulate, license or restrain the peddling, auctioneering or crying of goods, wares and merchandise or other property or commodity, except farm and garden produce, by nonresidents or transient dealers or venders in said village; also to regulate the sale of goods, wares and merchandise by samples, or upon order or by contracts by persons not residents of the village of Norwich, and to license such person to sell such goods, wares and merchandise or take orders or make contracts for the same and fix the amount to be paid for such licenses.

31. To provide for the planting, setting or trimming, and protecting of shade or ornamental trees in any public square, ground or streets in said village; and to prevent the cutting, injuring or destruction of any shade or ornamental trees now or hereafter planted in and along such streets, grounds or public squares.

32. To designate and establish by ordinance of the fire limits within the said village as the said board shall deem proper and necessary. Within such limits or of any such extensions thereof, no building or structure of wood shall be erected or addition or repairs of wood be made to any building now erected, provided the cost of the addition or repair shall exceed one-third of the then present value of the building; to regulate the erection of buildings and structures within such limits and extension thereof, and prohibit the erection of cornices or roofs of wood or other material liable to take fire therein; and to direct the materials of partition walls, and the construction of chimneys under such penalties as they may prescribe, not exceeding two hundred and fifty dollars for any one offense, and the further sum of fifty dollars for each week any building or structure so prohibited shall be continued. And every building or structure erected, placed or continued contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed as such by the board of trustees, and every person or corporation violating such ordinance shall also be guilty of a misdemeanor.

83. To compel by ordinance or resolution in special cases, the sweeping and cleaning of chimneys, flues, stove-pipes and all other conductors of smoke, to prevent a dangerous construction or condition of chimneys, fireplaces, stove-hearths, stove-pipes, stoves, ovens, boilers and apparatus in any building or manufactory, or to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places, to remove or cause to be removed all wooden awnings or verandas to or in front of buildings, or signs over or across the sidewalks or streets; and to establish and prescribe such regulations for the prevention and extinguishment of fires as they may deem proper and necessary; and to enforce the penalty prescribed for the violation of any such ordinance or resolution.

84. To authorize and direct the firewarden or other persons by them specially appointed for the purpose, at reasonable times, to enter and examine every building or structure of any description in said village, to ascertain whether the same is in an unsafe or dangerous state in regard to fires, whether by reason of any defect in construction, or as to the manner in which fire is used for any purpose therein, and to direct and compel the owner or occupant to put the same in such condition as a proper security against fire shall, in its judgment, require.

85. To provide by ordinance or resolution, generally or in special instances when, how and in what manner, any gas, water or electric light, telephone or telegraph, or street railway company, or any officer or employe, or any person or corporation may disturb, dig up or in any manner interfere with the streets, lanes, alleys, parks or public grounds of said village, or any portion of the material or soil thereof; and when, how and in what manner and on what condition, except as now permitted by law, they may lay pipes, drains, erect poles, or place or maintain any other thing or material in, upon, or under or over the surface of any of said streets, lanes, alleys, parks or public grounds of said village; and to prohibit any interference with said streets, or in any other places in said village, or the laying of any pipes or drains, erecting of poles, or the placing or maintaining any other material or thing in, upon, under or over the surface of said streets or other places in said village,

except as now permitted by law, or acquired franchise; and to enforce the penalty prescribed for the violation of any such ordinance or resolution; but this section shall not be interpreted as modifying any vested right heretofore acquired.

36. To regulate the use and running of hacks, public carriages or vehicles, for the conveyance of passengers, by persons not residents of said village, grant licenses therefor, and fix the amount to be paid for the same.

37. To purchase, hold, sell, convey and agree to purchase or convey real estate whenever expedient for the accomplishment or execution of any of the purposes or powers or duties mentioned in this act, subject to the adoption of a resolution authorizing the same, by a vote of the taxpayers, at an annual or special election or meeting of the said village.

38. To construct crosswalks across streets, and to direct the manner and superintend the making and repairing of sidewalks in said village, together with the power to compel the relaying of the same upon the grade, fixed by the trustees, or to place the same on grade at the expense of the owner of said property.

39. To require all persons owning or occupying property in said village, and the owners of unoccupied property therein, to remove all snow, ice, grass, weeds, stones, dirt or any other obstruction, hindrance or nuisance from the sidewalk in front of the premises so owned or occupied by them, and to keep the same free and clean therefrom, and in case of neglect or refusal on the part of such owner or occupant, to remove the same at his expense.

40. To contract for the supplying of the village with water for fire and public purposes; to provide for the lighting of streets, parks, alleys and public places, and to provide for the lighting and heating of all rooms and buildings used or occupied for village purposes.

41. To present at every annual meeting and election in said village a detailed statement, signed by them, showing when and from what sources, all moneys paid into the treasury of such village during the preceding year has been derived, and when, to whom, and for what purpose, all moneys paid from such treasury during the same period has been paid; how much of any sum of money raised in such village during such year for any specific purpose, or directed at the last annual election

or at any special tax meeting in such year, to be applied to any specific purpose, has been so applied, and how much thereof remains on hand; what sidewalks have been made or repaired by the village during such year at the expense of the owner, what at the expense of the village, and the amount of the collections on account of such expense, and the amounts remaining due from them respectively; which statement shall be published, and shall also be filed with the clerk of such village.

42. To present at every annual meeting and election, or at any special meeting or election, the resolutions theretofore adopted by the said trustees, of the estimated expenses of said village to be raised by special tax therein, and proposed to be voted upon at any such meeting, specifying each item of such anticipated expense, which resolutions shall be published two weeks in advance of such meeting or election, as prescribed by this act, and shall also be filed with the clerk of such village.

43. To issue warrants for the collection of taxes and assessments, and the expenses of making and repairing sidewalks, abating nuisances and damages for land taken for streets, and the expense of cleaning walks and streets.

44. To regulate and determine the places of bathing.

45. To cause buildings and other structures encroaching on the streets to be removed at the expense of owners or occupants thereof; to declare such expense a lien on the premises from which the same shall be removed, and to issue their warrants against any such owner or occupant to collect the same.

46. To give names to streets, and numbers to the lots and buildings, and to change the same; to cause streets to be surveyed and maps of the village to be made and lithographed, and sell copies to defray the expense thereof.

47. To regulate and prescribe the places of weighing hay, straw and coal, or any kind of fuel, sold or offered for sale in said village, and marketing the same, and to establish and regulate market places.

48. To procure, as is hereinafter prescribed and provided, fire engines, hose, hose carts, hooks, ladders, buckets and other apparatus necessary for the extinguishment of fires and the protection of property; to regulate the use and management thereof, and to provide proper places for keeping the same.

49. To limit the rate of speed at which an engine or train shall be run upon any railroad within the limits of said corporation, across any street unprotected by gates with a person to open and close the same, and to regulate the switching and kicking of cars across any street.

50. To do all such acts, perform all such duties and exercise all such powers as are authorized, imposed, conferred or granted by this act, or now are or may be, authorized, imposed, conferred or granted by any general act of the legislature of this State, applicable to all villages therein, incorporated under a special act.

51. And for the purposes above-mentioned, or any of them, or for the purpose of executing any other power conferred upon them by this act, or for the purpose of executing a power conferred by any general enactment applicable to villages chartered under a special act, or for the purpose of regulating acts and matters within the corporate bounds for the general welfare and good government of said village, the trustees shall have power to make, publish, amend and repeal rules, ordinances and by-laws not inconsistent with the constitution and laws of this State; to prescribe penalties or fines for each and every violation of the same, together with the power to enforce the observance of all provisions of this act, and of the ordinances, by-laws, rules and regulations passed in pursuance of the power herein conferred. And it shall be their duty to post up in at least ten of the most public places of the village, a printed copy of every by-law made by them to which penalties are attached, and no new by-law shall take effect until forty-eight hours after such copies shall have been so posted by the clerk, of which posting an affidavit shall be made and forthwith filed with the village clerk, and shall be conclusive evidence of such posting; and they may ordain therein penalties or fines for each and every violation thereof not exceeding fifty dollars for any one offense, to be recovered in a civil action as prescribed in this act.

TITLE IV.

Powers and Duties of Village Officers.

Section 1. The president.—The president shall be the chief executive officer of the village, and shall have the power to call special meetings of the board of trustees when he thinks proper, or when requested to do so by any three of the trustees, and it

shall be his duty to sign as such president, all by-laws, ordinances, regulations, orders, bonds, licenses, deeds, appointments, covenants and contracts made by the trustees in behalf of the said corporation; to see that all by-laws, rules, regulations and ordinances, lawfully made by the trustees, are carried into effect and duly executed, and as chief of police of said village he shall maintain peace and good order, and for that purpose he shall have the power to command the aid, assistance and service of any officer or officers, inhabitant or inhabitants of said village; to see that the proper notice is given of every annual election and meeting or special election or meeting in said village, and to preside at all meetings thus convened.

§ 2. Clerk.—The clerk shall act as clerk of the board of trustees, and keep a record of their doings and of votes of the inhabitants of said village at their annual election or other legal meeting; he shall keep an account of all orders drawn on the treasurer in a book kept for that purpose; he shall have an annual salary to be fixed by the board of trustees not exceeding one hundred dollars; he shall within ten days after the passage of any by-laws, rules, regulations or public ordinances, cause the same to be recorded and published as hereinbefore directed, and shall enter in his book and record the full time and manner of such publication; and in all trials or actions in which the same may come in question, it shall be presumed that the clerk did his duty in relation to publishing as aforesaid until the contrary is shown; and the record kept by the clerk under this section or a certified copy therefrom, shall be prima facie evidence of the fact therein recorded in all courts in which the same shall come in question and a duly certified copy shall be evidence in all courts with like effect as if it were the original.

§ 3. The treasurer.—The treasurer shall receive all money belonging to the village and give receipts therefor as the same shall be received; he shall keep an accurate account of all receipts or expenditures in such manner as the board of trustees shall direct; he shall receive an annual salary to be fixed by the board of trustees, not exceeding fifty dollars. All moneys shall be drawn from the treasury in pursuance of an order of the board of trustees by a warrant signed by the president or presiding officer of the board, and countersigned by the clerk. Such warrant shall specify for what purpose the amount therein specified

is to be paid. The books and entries of the treasurer and the order book of the clerk, shall be kept open for the inspection of any elector of the village at all reasonable hours. The treasurer shall exhibit to the board of trustees at least fifteen days before the annual election in each year, a full account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk. He shall also exhibit for inspection his books of account and vouchers at every annual meeting of the electors of said village, and at any special meeting thereof, or meeting of the board of trustees when required to do so by any trustee.

§ 4. Papers and records.—Every treasurer and clerk of said village shall, on demand, deliver to his successor in office, or to the president, all records, books, vouchers, money and other property of said village in his hands or under his control.

§ 5. Collector.—The collector of said village shall perform the duties, possess the same powers, and be subject to the same liabilities and obligations prescribed by law for collectors in towns of this State, except as otherwise herein prescribed. He shall collect all taxes to be collected for the benefit of the corporation, and shall receive the same fees therefor as are provided by law as the compensation of the collector of town and county taxes, except as herein provided.

§ 6. Street commissioner.—The street commissioner shall, under the trustees, have the general superintendence of the highways, streets and sidewalks of the village, and the expenditure upon the streets of said village of the money raised for that purpose; he shall within said village perform the duties of overseer of highways, so far as such duties shall be consistent with this act, and required to be performed therein; to draw from the treasury, under the warrant of the trustees, for street and highway purposes, such sums of money as they may from time to time authorize, and faithfully apply the same to keep in good condition the streets and highways within the boundary of said village; superintend personally the work done, and as often as required by the president or any two of the trustees, make a return on oath, showing the amount of work done, the kind of improvement made, the amount of money expended, and when, where and upon what streets or place and to whom paid; to take receipts or vouchers for all money paid by him, and at least

two weeks before the annual meeting, render to the trustees a full account on oath stating the amount of money received, the amount expended and the balance, if any, on hand; and pay over such balance to the treasurer and deliver all vouchers and papers belonging to the village, to the clerk; and it shall be the further duty of the street commissioner to perform such other duty as may be prescribed by the board of trustees, and such street commissioner shall receive a sum not exceeding two dollars per day as his full compensation for each full day's labor while actually engaged in the discharge of the duties of his office, to be paid from the street fund.

§ 7. Assessors.—It shall be the duty of the trustees, who shall have been designated to act as assessors in each and every year, on or before the twentieth day of May in each year, to prepare from the last assessment-roll of the town of Norwich, as far as may be practicable, an assessment-roll of property subject to taxation in said village, and to file the same with the village clerk; and they shall possess the power, and it shall be their duty to add to said roll any property omitted from the last assessment-roll of the town of Norwich, and to assess at such an increased valuation as shall be proportionately equitable, any real property in which a substantial change has been made by repairs, building or the addition of betterments whereby the value of said property has been increased since the completion of the last assessment-roll of said town, together with a like power to reduce an assessment by reason of the damage to or destruction of a building by fire or the elements or other substantial change in the property since the completion of said last town-roll, and they shall possess the power and duty of town assessors, including the power to administer oaths in correcting the valuations or assessments of such persons as may be added to said roll, or whose assessment shall be increased or decreased, and shall meet to hear applications to correct such valuations on the first Monday in June each year, of which meeting a notice must be published in one or more newspapers of the village at least one week prior to the time of meeting. The assessment-roll, as completed, shall be filed with the clerk on or before the tenth day of June in each year. No real estate shall be included in said assessment-roll except such as shall be actually situated within the corporate limits of the village.

§ 8. Police constables.—The police constables shall have the same power and authority and be subject to the same liabilities and obligations, except as herein provided, as constables elected in any of the towns of Chenango county. They may execute civil or criminal process in suits and proceedings where said village or any of its officers in his or their official capacity may be a party, and shall perform such other duties as shall be assigned them by the trustees. And police constables of said village shall have power, without process, to arrest and bring before the police justice, or other magistrate, persons guilty of violating, in his presence, the public peace or any village ordinance or by-laws. The police constable shall be entitled to the same fees as constables of towns, and such additional compensation when on special duty as the board of trustees may, by resolution, direct, except as otherwise herein provided.

§ 9. Other officers.—The other officers appointed by the board of trustees, shall perform such duties and possess such powers and be subject to such liabilities and restrictions as shall be prescribed by the board of trustees and not inconsistent with this act.

TITLE V.

Police Justice and the Police Court.

Section 1. There shall be a police court in said village, which shall be presided over, and the powers and functions of which shall be exercised through and by the police justice, which court shall be at all times open for the transaction of business.

§ 2. The police justice shall keep a suitable and sufficient office within the village of Norwich, open, at all times, for the transaction of all such business as shall properly come before him and his court; he shall receive an annual salary of one thousand dollars, payable on the thirty-first day of December in each year by the village treasurer upon a village warrant, as other expenses of said village are paid; he shall receive no other fee or emolument whatever for the performance of the duties of his office, and no incumbent of any United States, State, county, town or other village office shall hold the office of police justice of said village; he shall furnish such suitable and sufficient office at his own expense, shall furnish his own blanks, stationery, supplies, fuel, lights, attendants, furniture, and pay all other expenditure of said office.

§ 3. He and his court, which shall be known and designated as the police court of the village of Norwich, New York, shall have exclusive jurisdiction of all criminal matters within the corporate limits of said village of which justices of the peace and courts of special sessions held by them now or hereafter, shall have jurisdiction within the towns of this State, to hear, try and determine the same, except as hereinafter provided. The procedure before him and his court in all criminal matters, and in all things relating to complaints against arrest, arraignment, trial and examination of parties accused, shall be the same as is now, or may hereafter be, provided by law, to be pursued by justices of the peace and courts of special sessions in towns, except as herein provided. He shall have exclusive jurisdiction to hear, try and determine all offenses against this charter, and against the by-laws made under, and in pursuance thereof, all which offenses are hereby constituted and declared to be misdemeanors, punishable by a fine, not exceeding twenty-five dollars, or by imprisonment not exceeding twenty-five days, or by both such fine and imprisonment. The said police justice may summon a jury for a trial of any person properly triable before him and his court forthwith, and may, in his discretion, set aside any juror drawn who resides more than one mile from his office, and draw another juror in his place. He shall be a magistrate, and shall have concurrent jurisdiction with the justices of the peace of all criminal matters within the village of Norwich, of which justices of the peace or courts of special sessions now have or hereafter shall have jurisdiction within the towns of this State. He shall also have the same power as a justice of the peace, to administer oaths, and to take affidavits, and acknowledgments. Proceedings pending before him and the police court of the village of Norwich, New York, may be removed and stayed as provided by section fifty-seven of the code of criminal procedure, and the existing provisions of law; and in criminal cases appeals from his judgment may be taken to the county court or court of sessions of Chenango county, in the cases and manner provided by title three of the code of criminal procedure, and the other provisions of law now or hereafter existing.

§ 4. He shall keep a record in which shall be entered all judgments he may render, all fines or penalties imposed, and against whom imposed, and whether collected, and if so, when and how.

§ 5. He shall make out an account against the town of Norwich at least annually, before the first day of November, of all criminal matters and proceedings that were heretofore or may hereafter be proper charges against the said town of Norwich, and present the same to the town board or other auditing boards or officers of said town, and said auditing board of said town shall audit and allow said account for the same amount, to be paid to the treasurer of said village, as though the service aforesaid had been performed by a justice of the peace or court of special sessions of said town or county. He shall also, at least annually, make out an account against the county of Chenango for all services which he shall perform, which were heretofore or may hereafter be a county charge against the county of Chenango, and present the same to the board of supervisors of said county; and said board of supervisors shall audit and allow said account for the same amount as though the services therein charged had been performed by a justice of the peace or court of special sessions of said county, and the amount allowed by the said board of supervisors and charged to the county shall be paid by them to the treasurer of the village of Norwich; and the amount audited and charged to the town of Norwich shall be collected as other town taxes are collected, and be paid by the supervisor of said town, when collected, to the treasurer of said village.

§ 6. Said police justice shall collect and receive all fines, penalties and allowances that are by law collectible by justices of the peace, or courts of special sessions in towns, or that may be imposed and received by him to enforce the charter, by-laws or ordinances of said village. And on or before the tenth day of each month he shall make out and return to the clerk of said village, in such form as the board of trustees may prescribe, a sworn tabular statement of all such fines, penalties and allowances imposed, received or collected by him, either directly or indirectly, during the month last preceding, and with the receipt of the treasurer of said village, showing that said justice has paid into the village treasury the amount of all such fines, penalties and allowances, as shown by such statement, for the benefit of the said village; and any omission to render such statement, and pay such fines, penalties and allowances, or any part thereof, on or before the twentieth of each month, and any

intentional false statement, or any intentional omission to set out in such statements any portion of such fines, penalties and allowances received by him, shall be sufficient cause for removal of said police justice from office.

§ 7. The board of trustees of said village shall designate and appoint one of the justices of the peace of the town of Norwich, residing within the corporate limits of the village of Norwich, who, during the term of his office as justice of the peace, at any time when said police justice shall be unable to perform the duties of his office, on account of necessary absence, sickness, or any other cause that does not vacate his office, who shall be known as assistant police justice, and who shall have all the powers and jurisdiction, and perform all the duties and be subject to all the regulations and penalties herein provided as to said police justice; and for such services said justice of the peace or any justice of the peace performing services under the provisions of this act shall receive an amount proportionate to the salary of the said police justice, to be audited by the trustees of said village, and in case said police justice shall be absent from town on more than fourteen days in the aggregate in any one year, the amount in excess of said two weeks' pay audited and paid to the assistant police justice, or a justice of the peace, shall be deducted from the salary of said police justice; except when said police justice shall certify that he is disqualified by reason of relationship or any other cause, to try a case, and in such case the assistant police justice shall charge his fees therefor to the village or town of Norwich or the county of Chenango, as the case may be, and such fees shall be for his own use and benefit.

§ 8. If both said police justice and said assistant police justice shall be absent or unable to perform said duties, then any other justice of the peace of the town of Norwich, residing within the corporate limits of the village of Norwich, shall have the same jurisdiction and powers, and perform the same duties, and be subject to the same regulations and penalties in all respects to said police justice, during the time he shall act. But no justice of the peace of the town of Norwich shall receive any fees, pay or emolument, for any service or services performed in relation to any act or offense committed in said village, of which said police justice, has jurisdiction, except as provided in this act.

§ 9. The police court of the village of Norwich, New York, held by the police justice, shall have jurisdiction to hear, try and determine all suits and actions for collection of penalties prescribed by this act or prescribed by the by-laws made in pursuance and by virtue of this act, and for the collection of all delinquent and unpaid taxes; the procedure in such suits and actions shall be the same as now is, or hereafter may be, provided and established by law in civil actions before a justice of the peace and justices courts, except that when he shall summon a jury for the trial of an action properly triable before him or his court, he may in his discretion set aside any juror drawn who resides more than one mile from his office, and shall draw another juror in his place; and no person shall be incompetent to sit as the police justice, or to serve as a juror in the police court, in any action or proceeding in which the village of Norwich is a party, by reason of his being an inhabitant or freeholder in said village. Judgments by and before said police justice and police courts shall have the same force and effect as judgments rendered by and before justices of the peace and their courts; and may be enforced in like manner, and may be docketed in the clerk's office of the county of Chenango with the like force and effect as judgments of justices of the peace of towns and their courts, and may be enforced in like manner. An appeal may be taken from a judgment or determination of the said police justice and police court to the county court of Chenango county, in such cases in the same manner and with the same effect as from judgments and determinations of justices of the peace of towns and their courts; and the procedure upon such appeals shall be the same as now is or hereafter may be provided by law in cases of appeals to county courts from the judgment and determination of justices of the peace of towns and their courts.

§ 10. The said police justice may be removed by the county judge of Chenango county for just cause, on written charges and after a trial on notice.

TITLE VI.

Audit and Payment — Bills and Claims.

Section 1. Auditing and payment of debts, accounts and claims.—The board of trustees shall audit and pass upon all claims and demands against this corporation, and may allow the

whole or part of any claim, or disallow it entirely, as herein provided. No claim or demand shall be allowed or audited unless the money to pay the same shall have been voted by a village meeting or shall have been theretofore duly included in the annual notice of the money proposed to be raised pursuant to the powers granted by section one of title seven of this act; and the money raised by tax for a purpose specified in said section shall not be applied to any other than the designated purpose, except as hereinafter provided; and no claim or demand shall be paid unless audited and allowed as provided in this act.

§ 2. Manner of presenting, auditing and proving claims. — Upon the auditing of claims against said village by the board of trustees, a warrant for the amount thereof shall be drawn by the clerk upon the treasurer, to be signed by the acting president, which shall be paid by the treasurer and filed in his office; and when such account or claim shall be so audited, there shall be indorsed thereon or annexed thereto a certificate subscribed by the acting president, and clerk, of such auditing and of the allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

§ 3. Claims how made out. — No such account or claim shall be audited or allowed by the trustees unless it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the service or made the disbursements therein charged; that the several items of such account or claim are correct; that the services therein charged have been rendered; that the disbursements therein charged have been made and that no part thereof has been paid. Such affidavit shall be indorsed on or annexed to such account or claim and presented and preserved therewith. The president or trustee presiding, when such account or claim shall be presented to the board of trustees, may administer the oath required by this section; and the board of trustees may examine the claimant on oath as to items embraced in such account or claim.

§ 4. Disallowing accounts. — Nothing in the last preceding section shall be construed to prevent the board of trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of correctness and reasonableness thereof.

§ 5. Numbering accounts.—Every account or claim against this village, presented to the board of trustees in any year, shall be numbered from one upward in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out and of the person by whom it shall be presented, shall be entered upon the back of the claim and countersigned by the clerk.

§ 6. Form of warrant.—Every warrant drawn to pay any account or claim shall refer to such account by its number and the name of the person in whose favor it was made out, and a memorandum of such reference and of the amount of the warrant shall be entered in the records before such warrant shall be delivered to the claimant.

§ 7. Requisites of warrants.—No payment shall be made by the treasurer from any money belonging to such village, except upon the warrant of the clerk, countersigned by the acting president of the board of trustees, duly certified, referring by number and name of claimant to the account or claim, for which it shall be drawn, and specifying the fund from which it is payable, and certifying that said claim has been duly audited and allowed, and when such warrant shall be paid, the treasurer shall file and keep the same, as required by this act.

§ 8. No action shall be maintained against the village for damages for personal injuries, or injury to property, alleged to have been sustained by reason of the negligence of the village, or any of its officers, agents or employes thereof, unless the same shall be commenced within two years after the cause of action therefor shall have accrued, nor unless the claim shall have been presented and notice of the time and place at which such injuries were received shall have been filed with the village clerk, or duly presented to the board of trustees, within two months after such cause of action shall have accrued.

§ 9. Neither the board of trustees nor any officer of the village shall have the power to make any contract or incur any debt or obligation against the village or impose any liability upon the village for any purpose beyond the end of the fiscal year in which such contract shall be made or such debt or liability incurred, nor in excess of the money raised under

sections one and two of title seven of this act; nor shall said trustees or any officer of the village make any contract or incur or create any obligation, debt or liability against the village beyond or in excess of the money raised for the specific purpose which includes such debt, obligation or liability; and any such contract or obligation shall be void; except that the trustees may make such a contract or incur such debt or obligation or impose such liability as shall have been authorized by a resolution duly published, submitted and adopted at an annual or special meeting as provided by section two of title seven of this act.

§ 10. The fiscal year for said village shall begin with the first day of March in each year and end with the last day of February of the year following.

TITLE VII.

Taxation.

Section 1. Assessment and collection of taxes.—The said board of trustees may raise by tax, and assess and levy upon the taxable property and inhabitants of said village the several sums necessary to meet the expected expenditures or indebtedness of said village, and which shall be known and designated as a special or general tax. The general tax may be raised for the following purposes:

1. A sum sufficient to pay all maturing installments of principal and interest on any bonded debt of the village of Norwich, heretofore contracted for railroad and sewer purposes, or which may hereafter be contracted and represented by bonds or obligations issued in pursuance of law.

2. A sum sufficient to pay the amount due upon the contract or contracts theretofore entered into by the board of trustees of said village for water for fire and public purposes.

3. A sum sufficient to pay any judgment recovered against said village. No judgment recovered against said village shall be enforceable by execution until sixty days after the next annual tax levy, subsequent to the rendition of said judgment.

4. A sum sufficient to refund taxes collected on erroneous assessments.

5. A sum sufficient to pay the current expenses of the fire department, not exceeding one thousand dollars.

6. A sum sufficient to pay the current expenses of maintaining streets, sidewalks, public parks, bridges, culverts and waterways, not exceeding two thousand five hundred dollars.

7. A sum in addition to the amounts received from the town of Norwich and the county of Chenango, as shall be sufficient to pay the salaries of the officers of the village.

8. A sum sufficient to provide for contingent expenses and other general purposes, not exceeding one thousand dollars.

9. A sum sufficient to provide for lighting the streets and public places of the village for the ensuing year, not exceeding the sum of nine hundred dollars for each full one thousand inhabitants in said village.

10. A sum sufficient to pay the amounts properly audited by the health board of said village.

11. A sum sufficient to pay for the necessary expenses of doing any act for said village which it, or any of its officers shall be by law required to do. Such further sum for special purposes as shall have been duly authorized by a vote of taxpayers at an annual or special meeting or election, as provided in the following section. And it shall be the duty of the trustees to submit a detailed statement of the amount proposed to be raised by general tax pursuant to the power granted in the eleven subdivisions of this section for the ensuing year, which statement shall be included in the published notice of the annual corporation election.

§ 2. The annual meeting of the taxpayers of Norwich shall be held at the same time and place as the annual election in each year; and the board of trustees are hereby authorized and empowered to call a special meeting and election to vote upon appropriations for special purposes by adopting a resolution for that purpose, which resolution shall be duly published in two newspapers of said village at least once in each of the two weeks next preceding such special meeting and election. Every appropriation of money for a purpose not expressly included in the first eleven subdivisions of section one of this title, or for a purpose included within one of said eleven subdivisions, but in excess of the amount named in such subdivision, shall be deemed a special purpose. Before any tax for a special pur-

pose can be levied a resolution specifying the purpose and the amount required, and whether it shall be raised in one sum or in annual installments, and if in annual installments, the numbers thereof, and the amount of each, shall be passed by the board of trustees, and a copy of such resolutions, with a notice that the same will be submitted to a vote by ballot at the next annual meeting and election, or at a special meeting and election called for that purpose, shall be published in two of the village newspapers at least once in each of the two weeks next preceding such meeting; and at the same time and in the same notice, if an annual meeting and election, shall be published the several amounts to be raised by a tax as provided by section one of this title. No resolution can embrace more than one special purpose, and if more than one such special resolution is submitted at any election, such resolutions shall be numbered "resolution number one," "resolution number two," up to the full number thereof, and shall be printed consecutively upon one ballot. In the margin at the left of each resolution shall be written or printed the word "for" and in the margin at the right thereof shall be written or printed the word "against." No ballot for any resolution opposite which both the "for" and "against," or neither of them, are erased or defaced, shall be counted. If a majority of the ballots counted upon any resolution shall be "for" said resolution the board of trustees may raise the amount therein designated. The moneys raised for a special purpose shall be kept by the treasurer in an account separate from other moneys, and shall be appropriated by the board of trustees to that special purpose only; except that when moneys have been raised for a special purpose, and the purpose for which they were so raised has been accomplished or abandoned, any unexpended amount so raised, or any unexpended amount raised under any of the eleven subdivisions of section one of this title, shall not be transferred to any other fund or devoted to any other purpose except upon a vote at an annual or special meeting directing to what fund it shall be transferred or to what purpose devoted; but the trustees shall before any annual meeting recommend by resolution to what fund any unexpended balance of money raised for a special purpose should be transferred or to what purpose the same should be devoted, which resolution shall be published and

submitted to a vote by ballot as hereinbefore provided for the publishing of and voting upon resolutions to raise money by tax.

§ 3. The board of trustees shall, immediately after said assessment-roll is finally completed and verified, levy and assess the village tax as herein authorized. They shall rate and apportion the same, or cause the same to be rated and apportioned, among and upon the owners and occupants of real and personal property, incorporated companies and associations, and lands of non-residents in said village, in just proportion, according to the last revised assessment-roll; they shall extend such tax or cause to be extended on the said last completed assessment-roll; they shall include in said tax the village expenses as herein provided; also all necessary and proper assessments for special purposes, (but this section shall not be construed to prevent a special assessment and tax-roll whenever necessary.) The tax-roll when perfected and finally completed shall be filed with the village clerk on or before the twenty-fifth day of June in each year, and when so perfected, completed and filed shall be a lien on the real estate described therein, to the amount of the several taxes and assessments therein contained, and such lien shall have priority over all other liens and incumbrances. When the tax-roll shall be so filed with the village clerk, a warrant shall be annexed thereto under the hands of the trustees of the village, or a majority thereof, and the seal of the corporation, similar in form to the one prescribed by law for the collection of town and county taxes, specifying therein within what time the same shall be returned and said tax-roll and warrant shall be forthwith delivered to the village collector, who, at the time of the delivery thereof to him, shall sign a receipt acknowledging the reception by him of such roll and warrant as the village collector.

§ 4. Immediately upon the delivery of the tax-roll and warrant to the village collector he shall publish notice thereof in a village newspaper, designating some central and convenient place within the village where he will attend on three days of each week, for two weeks successively, next after the delivery to him of said tax-roll and warrant, from nine o'clock in the morning till four in the afternoon, for the purpose of receiving payment of taxes, and it shall be the duty of the collector to attend accordingly, and any person may pay his taxes at the time and place so designated without paying

any fees thereon; and the collector shall receive thirty dollars upon a village warrant for collecting and receiving all taxes within said two weeks; at the expiration of the said two weeks the collector shall pay to the treasurer the amount which shall then have been collected.

§ 5. All taxes and assessments that shall remain unpaid for three months after the date of the warrant authorizing the collection thereof, shall bear interest at twelve per cent. per annum from the date of said warrant.

§ 6. The collector shall proceed to collect the unpaid taxes on said tax-roll, with five per cent. for collection; and the collector shall have and possess all the powers and authority conferred by law upon the collectors of towns, and shall pay over all moneys collected by him and not previously paid to the village treasurer, at the time mentioned in the warrant, and take his receipt therefor, retaining his fees for collection. At the expiration of the time mentioned in the warrant the collector shall return the same to the trustees of the village, together with a statement of all taxes not collected, if any, and the reason of the failure to collect the same, and containing the names of the delinquent and a description of the property, and the amount of the tax as in the tax-roll, that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to, or in the possession of, the person liable to pay such tax, whereupon he could levy and collect the same, which return shall be verified by affidavit of the collector and delivered therewith to the clerk. The collector shall be liable to pay over the whole amount of such tax-roll except the amount of such taxes as he shall have returned unpaid and uncollectible.

§ 7. The board of trustees may renew from time to time any warrant issued for the collection of any tax or assessment whenever any tax or assessment shall be returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or new warrant specify the time when the same shall be returned and direct the collection of interest when interest is chargeable by the provisions of this act.

§ 8. In addition to the foregoing provisions for the collection of village taxes, the trustees may bring an action, therefor, before the police justice of said village or other court having jurisdiction of the action in the corporate name of the village

against any delinquent neglecting or refusing to pay such tax, and recover in such action the amount of such tax, with twelve per cent. interest per annum, as provided in section five of this title, and costs; and all tax and assessment-rolls and tax lists and duplicates thereof delivered to the collector or filed with the clerk, or certified copies thereof, shall be prima facie evidence in all courts and places, actions and proceedings, that the taxes or assessments therein contained have been duly and regularly assessed and are unpaid, and of the right of recovery thereof. The judgment obtained in such action shall become a lien upon any real estate which such person may possess in said village, upon filing a transcript thereof in the office of the clerk of Chenango county, showing that such judgment was obtained for such unpaid tax; or such trustees may, in their discretion, reassess such unpaid tax against such delinquent, and insert the amount so reassessed in the next tax-roll of said village, and collect the same as other village taxes are collected. In case any real or personal property subject to taxation on any tax-roll shall for any reason be omitted upon any assessment-roll, the trustees shall reassess and levy the same in the next tax-roll of the village at the same rate at which it shall have been assessed upon the previous tax-roll.

§ 9. All money paid into the treasury of said village shall belong either to the general fund, the street fund, or special purpose fund, according to the source of the money. The street fund shall consist of the money raised by tax for street purposes; special purpose fund shall consist of the money raised by tax for special purposes, pursuant to the provisions of this act; all other money paid into the treasury and belonging to said village shall constitute the general fund, and be subject to pay only the ordinary expenses of the village as defined by this act. The treasurer shall keep a separate account of each of such funds, and a separate account of each sum of money raised for a special purpose.

§ 10. The amount of money raised for street purposes shall be levied upon the assessed valuation, separate and apart from all other moneys, but may be included upon the same assessment-book and under the same warrant as the moneys for other general purposes and all special purposes.

TITLE VIII.

Fire Department.

Section 1. The fire department shall be composed of the trustees, chief engineer, two assistants and the members of the fire companies.

§ 2. The chief engineer of the fire department shall, under the direction of the trustees, have the general superintendence and custody of the fire engines, hooks, ladders, hose, public cisterns and other conveniences for the prevention and extinguishment of fires; it shall be his duty to see that the same are kept in proper order, and to make detailed reports to the president of the village of that department one week before each annual meeting, and to make like reports to the trustees as often as they may require.

§ 3. It shall be the duty of the chief engineer and assistants to be present at fires, and take command of the fire companies and the general control of the apparatus for extinguishing such fires; the trustees and chief engineer of the fire department, and each of them, shall have the power to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all and any inhabitants of the village to aid him or them in the extinguishment of the fires and preservation of property exposed to damage thereat; and any person who shall disobey the reasonable order of such officer, or either of them, or refuse to so aid, shall forfeit to the use of the village twenty-five dollars.

§ 4. The present firemen of the village of Norwich shall continue firemen of such village, subject to removal by the trustees and chief engineer; other firemen shall be appointed and vacancies filled in the different companies of the fire department, by the trustees and chief engineer, upon the nomination of a majority of the members of the company in which such appointment is to be made or vacancy filled; the trustees and chief engineer may refuse to appoint such nominee, if in their judgment he ought not to be appointed, upon cause shown to the company by written statement of the grounds of such refusal.

§ 5. The trustees shall have power, in their discretion, to organize new fire, hook and ladder, bucket and hose companies, as often as they may judge the interests of the village may re-

quire, and to disband such as they may deem unnecessary or may prove refractory.

§ 6. Firemen of the village shall, during the term of their service, be exempt from poll tax, jury duty, and the performance of military duty, except in the case of war, invasion or insurrection, and every fireman who shall have faithfully served as such in the village of Norwich for five years, shall thereafter be exempt from jury duty and military duty, except in case of war, invasion or insurrection. The evidence to entitle such persons to the exemptions provided in this section shall be a certificate, signed by the president and clerk; no such certificate shall hereafter be given until the applicant shall make and file an affidavit with the village clerk of the facts which entitle the applicant to such certificate.

§ 7. The board of trustees of said village are hereby authorized to contract from year to year, with the Norwich water works for a supply of water for fire and municipal purposes. Such contract may determine the quantity of water to be supplied, the places where supplied, and the prices which the board of trustees shall pay therefor. The amount due from said village upon contracts made pursuant to this section shall be raised, levied and collected annually by the trustees, and included in the next succeeding tax-roll, and collected and paid over to the treasurer of said water company.

§ 8. The board of trustees, at their stated meeting in January of each year, shall appoint a chief engineer and two assistant engineers. The fire department shall hold an election under the direction of the board of trustees in the second week in December of each year for the purpose of recommending a person whom they shall deem suitable to be chief engineer, first assistant and second assistant; and at such election shall elect a treasurer and secretary of the Norwich fire department.

TITLE IX.

Highways.

Section 1. All the territory embraced within the limits of the village of Norwich is hereby declared to be a separate road district, and exempt from the jurisdiction, superintendence and control of the commissioner of highways of the town of Norwich. and

the trustees of said village shall be the commissioners of highways in and for the said village, and shall have all the powers of commissioners and overseers of highways under the statutes of this State, subject to the provisions of this act, within the corporate bounds of said village. But nothing in this title making the territory of the village a separate road district subject to the board of trustees alone, shall be construed as relieving the town of Norwich or the commissioner of highways from the expense of constructing or repairing any bridge or abutment thereof within its bounds; but said town and commissioner shall remain liable to and be charged with the duty of constructing, maintaining and repairing such bridges and abutments.

§ 2. Every street, common and alley, which shall have been or shall hereafter be dedicated to the public use, or conveyed to the village by the owner or owners thereof, and accepted by the trustees, shall from the time of such acceptance or dedication or conveyance, be deemed and regarded as a public street, common or alley.

§ 3. It shall be the duty of the trustees to cause every public street and alley in said village to be accurately described, and if necessary, surveyed and appropriately named; and it shall be the duty of the clerk to record in a book to be kept by him for such purpose such description of every public street and alley, with its name; and every new street or alley which shall thereafter be laid out, dedicated or conveyed, and accepted by the trustees, shall be accurately surveyed and described, and appropriately named, and recorded in said book, which record shall state the time of its being recorded.

§ 4. The laying out, alteration and widening of streets, and the ascertainment of damages for land therefor, shall be done in conformity with the provisions of the general highway law of this State, and said village shall be regarded as a town for that purpose; and upon proper cause shown to the county judge of Chenango county, and upon an order duly granted by him upon the application of the trustees, a highway may be laid out, altered or widened of a less width than three rods.

§ 5. The trustees shall have the power to give names to the streets, and numbers to the lots and buildings; to change the same, and in the first instance to provide for the uniform numbering of the same.

§ 6. Any person owning any land in the said village may cause the sidewalks adjacent thereto to be flagged as the street commissioner may direct; it shall thereupon be the duty of the street commissioner to give to such person a certificate describing such flagging, the time of its being made, by whom and its value. On such certificate being presented to the trustees, if they shall approve of the same, they shall indorse their approval thereon; whereupon such person shall be credited with the value, to be fixed by the trustees, of such flagging on the flagging book to be kept by the clerk, which credit shall remain a fund out of which the subsequent taxes for street purposes of such person, or subsequent owner of such land, if such certificate be transferred to him, may be paid, until the same is exhausted, and shall be applied by the trustees in payment of such taxes. Such credit may be transferred to a subsequent owner of such land by assignment indorsed on the certificate and entered in the flagging book, which book shall be conclusive evidence of the ownership of such credit, so far as may concern its application for taxes.

§ 7. Whenever authorized by resolution of the persons entitled to vote in respect to the raising of taxes at any annual or special meeting, upon notice given by the trustees by publication in a newspaper printed in said village, at least two weeks before such meeting, the trustees of the village shall have the power to cause the street and highway, or any portion thereof, and the sidewalk and gutters on the side of them, to be leveled, raised, planked, graded, flagged, paved or curbed, or to construct sluices and drains, to conduct off the surplus water of such street or highway, at the expense of the owner or occupant of any land or lands adjoining such streets, or at the joint expense of such owner or occupant and the said village, in such proportion as the trustees shall deem just and equitable according to the benefit accruing from the same; the liabilities, however, of the owner or occupant to be limited by the center of the street; and if not done in the manner, of the material and kind, and within the time prescribed by the board of trustees, such board may cause the same to be done, and assess the expense or proportion of the expense thereof upon such land or lots respectively; and when such assessment shall have been made and filed, the sum so assessed may be

collected of such owner or occupant upon the warrant of the trustees, or by action; and such assessment shall be and remain a lien on the lot so assessed respectively until the amount thereof is paid or shall have been collected. Whenever a sidewalk shall have been directed to be laid by a vote of any annual or special meeting, the said direction to flag shall remain in full force and effect until the sidewalk shall be duly laid and paid for, and shall not lapse because the same shall not have been completed during that fiscal year. Any money so paid or collected from any owner or occupant of land adjoining the street aforesaid shall be credited by the trustees to such owner or occupant to apply upon his or her taxes for street purposes, in the same manner as the expense for flagging sidewalks is credited and applied upon taxes for street purposes.

§ 8. Whenever the laying of a sidewalk shall have been duly authorized, and the owner or occupant of the premises shall have failed, after due notification, to properly lay the same, and thereafter the trustees shall have caused the same to be laid, they shall have the same power in addition to the other means of enforcing the collection of the amount thus expended by them, of proceeding against the owner of the premises and against the premises themselves, in the same way that they might if the amount were an unpaid tax; and the amount thus expended, together with the costs of enforcing the same, shall be a lien upon the real estate benefited.

§ 9. The board of trustees shall also have the power to compel the laying of a flagwalk, or the placing of a walk already laid upon a proper grade, or the repairing of the same, in front of or alongside of any premises fronting or abutting upon an accepted street of the village; provided, however, that a petition of persons liable to pay a highway tax shall have been filed with the board of trustees, requesting that such walk be laid, regraded, or repaired, and provided further that the owner of said premises shall have six days' personal notice served upon him of the time and place where the board of trustees will meet to consider and act upon said petition. If after due notice and an opportunity to the interested party to be heard the said board of trustees shall determine that a flagwalk should be laid, or a walk regraded, or repaired, they shall enter such determination upon the village record; and thereupon they shall have the same

power to compel the laying of said sidewalk or the regrading or repairing of one already laid, as if the question had been submitted to an annual meeting and had been duly voted; and if after due notice the owner shall fail or neglect to lay or regrade or repair the walk the trustees may lay, regrade or repair the same at his or her expense, and enforce the collection of the expense of the same as provided in sections seven and eight of this title.

TITLE X.

Paid Police Force.

Section 1. The board of trustees, upon the happening of the event hereinafter provided, may pass and enter upon the village record a resolution to the effect that thereafter there shall be a paid police force in the village of Norwich, New York, and they shall then have the power to appoint proper resident electors as members of said police force.

§ 2. The said force may consist of one member for each full one thousand inhabitants of said village, each of whom shall receive as a salary not less than forty nor more than fifty dollars per month, to be paid monthly upon a village warrant; and they shall not receive any fee or other emolument for their services, except actual and necessary disbursements while in the discharge of duty. And upon proper occasion the said police force may be increased by the appointment by the board of trustees of special policemen, who shall receive two dollars per day, but who shall not be appointed for a longer period than five days.

§ 3. The board of trustees shall have the power to remove any of said policemen upon being convinced of their incompetency, or of their being guilty of any illegal, corrupt, or any other improper conduct, and shall fill all vacancies in said force.

§ 4. The said policemen, both regular and special, shall have all the powers of and shall be peace officers and perform all the duties of constables in towns in regard to crimes, criminal process and proceedings, and in addition thereto all the powers and duties conferred by this act upon village police constables, police and policemen, and they shall perform such other duties as shall be lawfully prescribed by the rules and regulations of the board of trustees of the village of Norwich. And whenever this title and the provisions of law therein contained shall become operative, the board of trustees shall no longer have the power to

appoint village police, and policemen, as hereinbefore provided; and no town constable, sheriff or deputy sheriff shall thereafter charge any fee or disbursement for his services in executing criminal process, or in any criminal matter or proceeding within the limits of the village of Norwich of which the police justice or a police court of the village of Norwich shall have jurisdiction as herein provided.

§ 5. Every such policeman shall keep a correct account of such services rendered by him as have heretofore or may hereafter be a town or county charge, if performed by a town constable, sheriff or deputy sheriff; and such accounts, duly verified, shall be presented annually to the board of town auditors or the town auditing board of the town of Norwich, or to the board of supervisors of Chenango county, and such accounts shall be charged respectively against the town or county with the same force and effect as if the services had been performed and an account or claim had been presented by a town constable, sheriff or deputy sheriff. The amount allowed by the board of supervisors of Chenango county and charged to the county shall be paid by said board of supervisors to the treasurer of the village of Norwich, and the accounts audited by the town auditing board of the town of Norwich shall be collected as other taxes are collected, and be paid by the supervisor of said town, when collected, to the treasurer of said village, who shall place all such sums received by him from the town and county to the credit of the general fund.

§ 6. The foregoing provisions of this title shall not become operative until a resolution to the effect "That hereafter there shall be a paid police force in the village of Norwich, New York," shall have been submitted to the electors at an annual or special meeting, after due publications, and shall have received a majority of all votes cast by the electors of said village voting upon the adoption or rejection of said resolution. And in case such a resolution shall be thus duly adopted the board may pass and enter such resolution upon the record of the village in the clerk's office, and thereupon this title and all the provisions of law therein contained shall become operative and of full force and effect; and the trustees shall thereupon provide for the payment of the salaries of said police force as provided in case of other village officers, and other village expenses.

TITLE XL

Miscellaneous Provisions.

Section 1. All oaths or affidavits which are required or authorized by this act may be taken before the president or clerk of said village, but the president or clerk shall not be entitled to any fee therefor.

§ 2. All resignations of officers of said village shall be made to the trustees, subject to their acceptance.

§ 3. All fines, forfeitures and penalties or money received for licenses under this act shall be paid to the treasurer of said village, and may be applied by the said board of trustees to any purpose consistent with this act; and the sheriff of Chenango county shall pay over all moneys received by him for fines, forfeitures and penalties arising from proceedings brought pursuant to this act, to said treasurer of the village.

§ 4. All papers required to be executed as acts of the village, or in the transaction of its business affairs, except as otherwise provided in this act, may be executed by the president of said village in the name of the village, and under the corporate seal, which shall be countersigned by the clerk, who shall make a minute of such act in the records of the proceedings of said village.

§ 5. The existing ordinances, by-laws and general regulations resolutions and acts of the board of trustees of the village of Norwich, not inconsistent with this act, shall be and continue in force, and have the same force and effect as if adopted and published or served by the board of trustees of the village, as provided in this act, until the same shall be revised, amended or repealed by the board of trustees.

§ 6. The present board of trustees of the village of Norwich are hereby empowered and authorized and it shall be their duty to levy and assess upon the taxable property of said village, in the year eighteen hundred and ninety-five, in addition to the sum of ten thousand dollars duly voted at the annual meeting in March, the further sum of six thousand dollars; and they shall include the same in the annual assessment, tax levy, and upon the assessment-roll for the year eighteen hundred and ninety-five; and when paid over to the village treasurer they shall expend the same as follows; three thousand and five hundred and forty dollars to pay

the principal and interest of railroad bonds maturing during the year, one thousand seven hundred and seventy dollars to pay interest accrued and to accrue during the year upon the sewer bonds, and the remaining sum shall be transferred to the contingent fund to pay any just and proper claim duly audited against the village, and any unexpended balance may be expended upon sidewalks and streets.

§ 7. All acts of the trustees of the village of Norwich for the past ten years, as assessors or otherwise in assessing property within the village of Norwich and levying taxes thereon, are confirmed and made valid and effectual and the assessment-rolls and the amounts therein set forth are hereby validated and confirmed and made valid and effectual, as if the assessments had been duly assessed and levied in the first instance.

§ 8. This act is hereby declared to be a public act.

§ 9. This act shall take effect immediately; but the present officers of the village shall hold their respective offices until and including the day, when their respective terms would otherwise end, and they shall continue to discharge their duties with the same powers, force and effect as though elected or appointed under the provisions of this act.

§ 10. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter	Section.
1864.....	210.....	All.
1867.....	240.....	All.
1871.....	763.....	All.
1874.....	291.....	All.
1875.....	238.....	All.
1877.....	32.....	All.
1877.....	293.....	All.
1881.....	31.....	All.
1883.....	324.....	All.
1884.....	468.....	All.
1886.....	273.....	All.
1886.....	274.....	All.
1889.....	132.....	All.

Chap. 377.

AN ACT concerning tramps and vagrants in the county of Putnam.

BECAME a law April 28, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All persons hereafter convicted as vagrants or tramps in the county of Putnam shall be committed to the penitentiary with which that county has at the time a contract for the board of its prisoners, instead of the county jail or county poorhouse. ^{Commitments, to penitentiary.}

§ 2. The magistrate making such commitment shall certify in each warrant of commitment whether the person so convicted is or is not a resident of the county of Putnam. If he is a nonresident of that county, the expense of his transportation to and maintenance in the penitentiary shall be paid by the State to the same extent as now provided by law in the case of tramps. ^{Certificate in warrant of commitment. Nonresident tramps.}

§ 3. All acts and parts of acts inconsistent with this act are hereby limited in their application, and shall not be construed to render inoperative or impair in any manner any of the provisions of this act. ^{Proviso.}

§ 4. This act shall take effect immediately.

Chap. 379.

AN ACT to provide for the payment of the expenses of prosecutions of offenses committed in the year of eighteen hundred and ninety-four in Westchester county, against the election laws and of offenses incidental to or connected with such first mentioned offenses.

BECAME a law April 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The just compensation of counsel appointed by the attorney-general as deputy attorney-generals in the month of ^{Expense a county charge.}

February, eighteen hundred and ninety-five, to attend before the grand jury of the county of Westchester, and in any court of oyer and terminer in that county, and conduct in said court and before said jury and try all such criminal actions or proceedings as should be brought in consequence of the alleged offenses committed in the county of Westchester, at the charter election at Mount Vernon, held May fifteenth, eighteen hundred and ninety-four, against the election laws and such as arose out of the violation of the law at said election, and other offenses connected with, or which have arisen out of such charter election, and all charges and expenses reasonably and properly incurred by such counsel and deputy attorney-generals in such prosecutions, shall be a charge upon the county of Westchester and shall be paid as hereinafter provided. Such compensation and charges shall be allowed and paid and shall be a charge upon the county of Westchester as aforesaid, for services rendered or to be rendered, and for expenses incurred therein, whether in preparation for the presentation of cases or matters to either of the said grand juries, or in attendance upon either of the said grand juries, or in the trial of causes or upon the hearing of any appeals in any court, or otherwise, in any criminal procedure incident to or proper in such prosecutions or in any stage thereof. The compensation which shall, from time to time, be allowed and paid as herein provided, shall be in full of all services rendered for which such compensation shall be allowed.

Compensation and charges to be allowed and paid.

Presentation and audit of bills.

§ 2. The bills for compensation and expenses mentioned in the preceding section, shall be presented to the board of supervisors of the said county of Westchester at the annual session and audited by said board of supervisors the same as other charges against said county.

Money to meet bills

§ 3. The board of supervisors of Westchester county shall raise and provide all moneys necessary to meet the requirements of this act in like manner as moneys are or shall be raised or provided to meet other audited bills against the county of Westchester.

§ 4. This act shall take effect immediately.

Chap. 385.

AN ACT to amend chapter four hundred and ten, of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," in relation to the Society of the Lying-in-Hospital of the city of New York, and in relation to the New York Post-Graduate Medical School and Hospital.

Accepted by the city

BECAME a law April 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision eight of the twenty-first paragraph of section one hundred and ninety-four of chapter four hundred and ten of the laws of eighteen hundred and eighty-two entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows:

8. To the Children's Aid Society, the sum of ten thousand dollars for the uses and purposes of said society. And also the sum of thirty thousand dollars to be applied to the care and education in the industrial schools of said city, of destitute children not attending the common schools in the city of New York. And also the sum of thirty thousand dollars to be applied to the support of the boys' and girls' lodging-houses of said society. To the Society of the Lying-in-Hospital of the City of New York, a corporation duly organized and existing under an act of the legislature of the State of New York, entitled "An act to incorporate the Society of the Lying-in-Hospital of the City of New York," passed March first, seventeen hundred and ninety-nine, and being chapter twenty-three of the laws of seventeen hundred and ninety-nine, the sum of twelve thousand dollars to be applied to the maintenance of its hospitals, to the support of its other charitable work, and to the general uses and purposes of the said society. To Saint John's Guild of the city of New York, the sum of thirty thousand dollars, to be applied to the maintenance and operation of its hospitals, to the support of its other charitable work and to the general

Consolidation act amended.

Appropriation for Children's Aid Society

Society of Lying-in-Hospital.

St. John's Guild.

Post-Graduate Medical School and Hospital.

Sanitarium for Hebrew children.

Provisions for payments.

uses and purposes of said society. 'Also the sum of thirty thousand dollars to the New York Post-Graduate Medical School and Hospital, for the charitable uses and purposes of said New York Post-Graduate Medical School and Hospital, and to the sanitarium for Hebrew children in the city of New York, the sum of five thousand dollars, to be applied to the support of its charitable work.

§ 2. The board of estimate and apportionment of the city of New York, is hereby authorized in their discretion to make provision for the payments hereby authorized.

§ 3. This act shall take effect immediately.

Chap. 387

AN ACT to provide for increasing the water supply of the city of Binghamton and for payment therefor by the issue of bonds of said city.

Accepted by the city.

BECAME a law April 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Increase of water supply.

Section 1. The water commissioners of the city of Binghamton are hereby authorized and empowered to increase the water supply of said city by the construction of a reservoir and pumping station therefor, or in such other manner as they deem advisable, and to acquire real property or an interest therein for those purposes, whenever they shall deem it necessary that the same should be done, either by purchase or by condemnation thereof.

Employment of surveyors, etc.

§ 2. For the purpose of increasing such water supply the said water commissioners are authorized to employ surveyors, engineers and such other persons as they shall deem necessary, for the purpose of acquiring any necessary information with respect to increasing said water supply; and the person or persons so employed shall have the right to enter upon and pass over any lands or waters, public or private, for the purpose of acquiring necessary information, doing no unnecessary injury or damage thereto.

§ 3. Whenever the water commissioners of the city of Binghamton shall determine, by resolution, that the water supply of said city should be increased by the construction of a reservoir, or otherwise, they shall cause detailed plans and specifications of the work to be prepared, showing the amount of land necessary to be acquired for the purpose, the buildings necessary to be erected and the estimated total expense of the same, which plans and specifications shall be filed with the secretary of said water commissioners, and shall be approved by them before any further action is taken thereon.

§ 4. The said water commissioners are authorized and empowered to negotiate with the owners of any real estate or other rights, interests or property, for the purpose of acquiring the title thereto or an easement or other rights therein, whenever such acquisition is deemed by them necessary to the exercise of the powers by this act conferred; and for the purpose of acquiring such title or rights, may enter into agreements with the persons owning such real estate, or any interest therein, for the purchase of the same, as well as the terms and conditions of such purchase, which agreements shall be filed and remain with the secretary of said water commissioners. Conveyances of real property or any interest therein acquired in pursuance of such agreements shall be made to the city of Binghamton, but such real property, or interest or easement therein, shall remain under the control of the water commissioners of said city so long as the same is used in connection with its water system.

§ 5. In any case where the said water commissioners shall be unable to agree with any person, persons, corporation or association owning or having an interest in any lands, tenements, rights or privileges which said water commissioners shall deem necessary to be acquired in order to afford an increased water supply for the city of Binghamton, for the purchase of the same or such interest therein as is required, or in case any such owners or interested persons are infants or otherwise legally incapable of negotiating or contracting with reference thereto, the said water commissioners may present to the supreme court at any special term thereof appointed to be held within the sixth judicial district, a petition, setting forth the name of the petitioner, the purposes of its incorporation and names of its officers, a specific description of the land sought to be acquired, the pub-

the use for which it is required and facts showing the necessity of its acquisition, the nature and extent of the interest sought to be obtained, the names of the persons, corporations or associations having an interest therein and the nature and extent of the interest of each interested person and their residences, together with a statement of which of them are infants and the names and residences of their guardians so far as those facts are known to petitioner; that petitioner has been unable to agree with the owner for its purchase and the reason therefor, the estimated value of the land interest or rights sought to be acquired and a prayer for relief condemning the property and appointing commissioners of appraisal to fix the compensation to be made to the owner for the property taken; which petition shall be verified in the same form and manner as pleadings in an action.

Service of
petition
and notice.

§ 6. A copy of the petition authorized by the last section shall be personally served on every person who owns or has an interest in or lien upon the real property, rights or privileges thereby sought to be acquired at least ten days before the day appointed for the holding of the court at which the same is to be presented, together with a notice of the time and place when the same will be presented to the court. If any of the persons owning or having an interest in any of the real property, rights or privileges sought to be acquired are infants, insane or otherwise incompetent, are nonresidents of the State or, being residents, are absent therefrom, such petition and notice may be served in such manner, other than personally, as the supreme court, a judge thereof or the county judge of Broome county may direct.

Appoint-
ment of
commissioners of
appraisal.

§ 7. Upon presentation of such petition and notice to the supreme court, with proof of service thereof in the manner provided by this act on all of the persons having an interest in the lands, rights or privileges sought to be acquired, the court shall appoint three freeholders of the county of Broome as commissioners of appraisal to fix and determine the compensation to be paid to each of the persons interested by reason of the taking of any real property, rights or privileges for the purposes authorized by this act; and the time and place of the first meeting of said commissioners shall be fixed by the order appointing them. The commissioners so appointed

shall meet at the time and place fixed by the order appointing them and, before taking any further proceedings, shall subscribe and take the constitutional oath of office. The commissioners shall proceed to a final determination of the matters confided to them with all convenient speed; they shall view the lands proposed to be acquired, may hear any material evidence offered by any of the interested parties which they shall reduce to writing and certify and return with their report, they may adjourn the proceeding from time to time as to them may seem just, and may issue subpoenas requiring the attendance of witnesses upon the hearing before them. The said commissioners shall, without unnecessary delay, make out, sign and acknowledge a report which shall set forth a description of the property condemned, the extent and nature of the interest acquired, the names of the persons owning or having an interest in the lands condemned whose interest is taken or affected or, in case the names of any such interested persons are unknown, a statement to that effect, a determination of the amount which the petitioner shall pay as compensation for the real property, or interest therein, or other rights acquired in the proceeding; and, if there be more than one interested person, the amount of compensation to be paid to each, together with a statement of the fees and expenses of said commissioners in the proceeding and such other facts as to the commissioners may seem proper and material.

Duty of commissioners.

Report of commissioners.

§ 8. The report of the commissioners shall be made in duplicate, one of which shall be filed in the office of the water commissioners of the city of Binghamton and the other in the office of the clerk of Broome county. Each of said commissioners shall receive as compensation for his services the sum of six dollars per day for each and every day necessarily spent in the performance of his duties as commissioner and also his reasonable and proper expenses.

Filing of report.

Compensation of commissioners.

§ 9. Upon said commissioners making and filing their determination and report, the water commissioners shall cause a copy thereof to be served on the persons whose land, or an interest therein, has been taken in the proceeding unless such persons have appeared in said proceeding by attorney, in which case such service shall be made upon the attorney appearing therein, either personally or by mail to their last known place of resi-

Service of copy of report and notice.

Appeal
from
report.

dence, with a notice that the same will be presented at a special term of the supreme court to be held within the sixth judicial district at a time and place specified in said notice for confirmation, which notice shall be served as herein provided not less than fifteen days before the time of holding the court specified therein. Any interested person feeling aggrieved by said report may appeal therefrom by filing with the clerk of Broome county a notice of appeal at least six days before the date specified for the motion to confirm to be heard, which notice of appeal shall state specifically the objections which the aggrieved party makes to the report and the grounds on which he claims the same should be modified or set aside; and such notice of appeal may be filed by the water commissioners in like manner and with like effect as by any other interested party, and the fact that said water commissioners present the report of said commissioners to the court for confirmation shall not bar them from appealing therefrom and insisting that the same be modified or set aside.

Confirma-
tion of
report.

§ 10. Upon the hearing of the application for confirmation the court must confirm the same unless an appeal has been taken in the manner provided in section nine. If an appeal has been taken as therein provided the same shall be heard on the motion to confirm, unless postponed by the court upon cause shown; such appeal shall be heard upon all of the proceedings, evidence before the commissioners, their report and determination, and the grounds stated in the notice of appeal, and no cause shall be heard against the confirmation except when a notice of appeal has been filed as provided herein, and then only upon the grounds therein stated. Upon the hearing of a motion to confirm or the hearing of an appeal, the court may confirm, modify or set aside the report of the commissioners, or may remit the proceeding to the same commissioners or new ones appointed by the court for such further action as the court may direct; and upon any further application for confirmation the procedure shall be the same as provided herein for a prior application. An appeal may be taken to the general term of the supreme court, from any order of the special term made as provided in this section, by any person feeling aggrieved thereby; and such appeals shall be brought to a hearing in the same manner as other appeals from orders to the general term of the supreme court. Said general

Appeals to
general
term.

term shall have the same power upon such appeal to affirm, modify or set aside the report of said commissioners or remit the same to the commissioners or new commissioners for further action as is hereby conferred upon the special term.

§ 11. The water commissioners shall, within four months after the confirmation of the report of the commissioners, pay to the several persons to whom awards are thereby made, the amount of their respective awards, with interest thereon from the date of confirmation to the date of payment; or, in case any of such persons are infants or otherwise incompetent to receive the same or have died, such payment may be made to the guardian, committee or personal representatives, as the case may be, or in case there is no person to whom such payment can lawfully be made, or if there be conflicting claimants thereto, the same may be deposited with the clerk of the supreme court and such deposit shall be equivalent to payment to the person entitled thereto. But, in case an appeal from the report of said commissioners shall be taken and pending and shall not have been finally determined at the expiration of said four months, then payment may be deferred for not to exceed three months after the final determination of such appeal; and, in case the appeal was taken by an owner or person interested in the real property sought to be acquired, and such owner or interested person does not prevail upon the appeal, no interest shall be paid upon the award to him.

§ 12. No costs shall be awarded to the petitioner for proceedings prior to motion to confirm nor to the owner unless it shall appear that the amount awarded exceeded the amount petitioner had offered to pay for the lands taken; but, in case an appeal is taken as provided in this act, in all proceedings after the filing of such appeal costs may be awarded to or against any party to the proceeding in the discretion of the court.

§ 13. Upon the final determination of any proceeding herein provided for, the city of Binghamton shall be vested with such title or interest in the real property described in the report of the commissioners as said report awards; and, at any time after the confirmation of the report of commissioners appointed as herein provided, the water commissioners of the city of Binghamton are authorized to enter upon the lands described

in such report and take possession of the same to such extent as the report of the commissioners awards an interest therein, and make such use thereof in such manner as they deem advisable for the purpose of increasing the water supply of the city of Binghamton. The interest in all real property acquired under this act, whether the same be a fee or a lesser interest, shall vest in the city of Binghamton, but such property shall be and remain in the possession and under the control of the water commissioners as a portion of the water system of said city.

Guardian
ad litem in
proceed-
ings.

§ 14. In any proceedings taken to acquire real property, or an interest therein, under this act, the court may, upon the application of any person interested in the proceeding, upon not less than eight days notice, appoint a guardian ad litem for any infant or incompetent person with respect to such proceeding to protect the interests of such infant or incompetent person therein. Such guardian ad litem shall receive such compensation as to the court may seem proper, to be paid by the petitioner in such proceeding or from the award as to the court may seem just under the circumstances of the case.

Vacancies
in commis-
sion.

§ 15. In case any commissioner appointed under the provisions of this act shall refuse to act, or shall die or become otherwise incapable of acting or shall be removed, the court may, upon eight days' notice of motion, appoint a new commissioner in his place; and the court may, at any stage of the proceeding, upon notice, remove any commissioner for cause. The court shall also have power at any stage of the proceedings to supply or correct omissions, defects or irregularities therein which do not affect the merits; and may cause other property and persons to be brought in and included in said proceeding and may direct such other or further notices to be given to any party interested, and prescribe the manner of giving the same, as to the court may seem proper; and may grant all such orders as may be necessary or proper to render the proceedings valid and to carry out the public purposes intended by this act.

Power of
court to
correct
errors, etc

Contracts
for labor
and ma-
terials.

§ 16. Upon acquiring the land deemed necessary by the water commissioners, the said water commissioners shall have power to make all necessary contracts for labor, materials and construction and cause the necessary work to be done to carry out the plans and specifications provided by them and to increase the

water supply of the city of Binghamton in the manner determined by them. The provisions of chapter seven hundred and eighty of the laws of eighteen hundred and sixty-seven, entitled "An act to supply the city of Binghamton with pure and wholesome water," shall apply to such contracts and the manner of making and carrying out the same with the same force and effect as if the same were here re-enacted.

§ 17. In order to carry out the purposes of this act and to provide funds for making compensation for real property or an interest therein or other rights and privileges, and to make payments of contracts entered into for the purposes authorized by this act and other expenses incident and pertaining to such contracts and proceedings to acquire lands, the water commissioners of the city of Binghamton are authorized and empowered to use any funds they may have on hand from their ordinary receipts and are also empowered to borrow, upon the faith and credit of the city of Binghamton, a sum not exceeding two hundred and fifty thousand dollars, or so much thereof as may be required to carry out the purposes of this act, and to issue the bonds of the city of Binghamton therefor. Said bonds shall be in denominations of one thousand dollars and shall be numbered consecutively; they shall bear interest at a rate not exceeding four per cent. per annum and shall be payable at such times as said water commissioners may determine, not to exceed thirty years from date. The interest on said bonds shall be payable annually and both principal and interest shall be payable at such place as the water commissioners shall designate. Said bonds shall be signed by a majority of the water commissioners and countersigned by the mayor of the city of Binghamton and may be either registered, coupon or registered coupon bonds as the said water commissioners shall decide; they shall be known as "increased water supply bonds of the city of Binghamton, New York," and a record of the said bonds and of the time when each becomes due shall be kept by said water commissioners, and the credit and faith of the city of Binghamton is pledged and shall be liable for the payment thereof.

§ 18. The bonds shall be in such form as the water commissioners may determine, except that they must comply with the provisions of this act. In case the water commissioners shall

decide to issue coupon bonds the coupons attached to said bonds shall be in the following form, the blank spaces being properly filled before delivery:

Form of
coupons.

"On the day of, I, ... The city of Binghamton will pay to the order of \$..... for one year's interest on bond No. of 'The Increased Water Supply Bonds of the city of Binghamton' at on presentation and surrender of this coupon," and the coupons need only be signed by one of the water commissioners or their treasurer. In case coupon bonds are issued interest on such bonds shall only be payable on presentation and surrender of the proper coupon.

Sale of
bonds.

§ 19. The bonds provided for by this act shall be awarded to the highest bidder therefor, after public notice shall have been given by the water commissioners by advertisement for not less than two weeks in the official paper of the city of Binghamton, and in such further manner as said water commissioners may determine, of the time when proposals therefor will be opened and the place where such proposals will be received and a general description of the bonds to be awarded. The water commissioners upon opening said proposals may reject any or all of the same, if deemed for the best interests of the city, and may again advertise for proposals in like manner. No bonds issued under the provisions of this act shall be sold or awarded at less than par value. The water commissioners may issue and award the bonds authorized by this act in amounts of not less than fifty thousand dollars at one time and make distinct awards as they are issued, but the gross amount shall not exceed two hundred and fifty thousand dollars.

Disposition
of pro-
ceeds.

§ 20. The moneys received upon the award of the bonds provided for by this act shall be received by the water commissioners of the city of Binghamton and used and applied by them for the purpose of providing an increased water supply for said city and in payment of the necessary expenses incurred under the provisions of this act, and for no other purpose. But before any of such moneys shall be received by said water commissioners, the persons composing the same shall give a bond in a penal sum to be fixed by a justice of the supreme court or the county judge of Broome county, with sureties, which bond shall be approved by the judge or justice fixing the penalty; said bond

Commis-
sioners to
give bonds.

shall be conditioned for the proper application of all moneys received as the avails of the "increased water supply bonds of the city of Binghamton" and the due accounting therefor, and shall be recorded in the office of the clerk of Broome county.

§ 21. The principal and interest due on the bonds provided for by this act shall be paid by the water commissioners from the receipts of their department unless the moneys received by them in any year, and which can properly be applied to such payment, is insufficient to meet the same, in which case the said water commissioners shall, on or before the first day of March, certify to the common council of the city of Binghamton the amount falling due on said bonds during the ensuing year which they will be unable to pay, and the amount so certified shall be included by the common council in the next city tax-roll and collected in the same manner as other general city taxes are collected, and when collected, paid to the water commissioners and used by them in paying the amount falling due on said bonds.

Principal
and interest,
pay-
ments of.

§ 22. The water commissioners shall report annually to the common council the manner in which the moneys raised pursuant to this act are expended, with a detailed statement of the amount and purposes of such expenditures and also the amount of outstanding bonds, with a statement of the amount falling due for principal and interest during the ensuing year.

Annual
report of
expendi-
tures and
indebted-
ness.

§ 23. Whenever the water commissioners of the city of Binghamton shall request the common council of said city so to do, the common council shall forthwith cause a special election to be held in said city, at which shall be submitted to the taxpayers of said city the question whether the expenditures for an increased water supply under this act shall be incurred and bonds issued therefor. The said special election shall be held in the manner provided by title fourteen of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," and all the provisions of said title fourteen as to the manner of calling, holding and certifying the vote of special elections, shall be applicable to the election held under this act. The common council shall, at the expense of the city, provide ballots for said election upon which shall be printed "For the issue of bonds to

Special
election.

Ballots.

provide an increased water supply for the city of Binghamton," and "Against the issue of bonds to provide an increased water supply for the city of Binghamton." If it shall appear by the certificate of the inspectors that a majority of the votes cast at such election shall be "For the issue of bonds to provide an increased water supply for the city of Binghamton," the water commissioners are empowered to provide such increased water supply and issue bonds to meet the expenses thereof as by this act provided. No proceedings shall be taken or contract entered into under the provisions of this act until an election shall have been held and the result thereof announced nor unless it shall appear from the result of such election that a majority of all the votes cast thereat were "For the issue of bonds to provide an increased water supply for the city of Binghamton," except that the water commissioners are authorized to and shall take the steps and proceedings provided by sections two and three of this act before requesting the common council to call the election herein provided for.

Issue of bonds upon favorable vote.

Proceedings not to be taken until election, etc.

Definition of words used.

§ 24. The word "owner" as used in this act shall be held to include every person, firm, association and corporation who has any interest in real estate taken or affected by this act or to whom notice is required to be given by this act. The word "person" shall include firms, associations, corporations and companies. The words "real estate," "lands" and "real property" shall include tenements, hereditaments and every right, title and interest, corporeal or incorporeal, in any property sought to be taken and acquired or for which damages may be awarded under this act. The singular shall be held to embrace the plural whenever necessary to carry into effect the provisions hereof. The words "water commissioners," when used in this act shall be held to mean the water commissioners of the city of Binghamton, a body corporate, created by chapter seven hundred and eighty of the laws of eighteen hundred and sixty-seven. The term "commissioners," when not qualified by the word "water," refers to the commissioners appointed by the court in proceedings to acquire real property, or an interest therein, under the provisions of this act.

Public act.

§ 25. This act is hereby declared to be a public act and shall be construed liberally in all courts and places to enable the provisions thereof to be carried into effect.

§ 26. All acts and parts of acts inconsistent with or repugnant to the provisions of this act are, to that extent, repealed so far as they relate to the powers, authority and proceedings conferred and provided by this act. Repeal.

§ 27. This act shall take effect immediately.

Chap. 388.

AN ACT to remit interest up to April fifteenth, eighteen hundred and ninety-four, on assessments levied on real property abutting on Jefferson avenue, between Nostrand avenue and Tompkins avenue, in the city of Brooklyn, for repaving said avenue.

Accepted by the city.

BECAME a law April 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All interest on assessments levied on real property abutting on Jefferson avenue, between Nostrand and Tompkins avenues in the city of Brooklyn, to defray the cost of repaving said avenue, which said assessments were confirmed on or about February twentieth, eighteen hundred and ninety-three, is hereby remitted and no interest shall be charged upon any such assessment prior to April fifteenth, eighteen hundred and ninety-four. Interest on assessments remitted.

§ 2. This act shall take effect immediately.

Chap. 389.

AN ACT in relation to Henry and Clinton streets, in the city of Brooklyn.

Accepted by the city.

BECAME a law April 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. None of the provisions of existing laws, nor any proceedings thereunder, shall authorize the construction, maintenance, extension or operation of any surface, elevated, steam Consent for railways upon streets.

or electric railway upon Henry and Clinton streets, in the city of Brooklyn, or on any portion of the same, between Atlantic avenue and the southerly terminations of said streets, unless the consent of a majority of the owners of property in number and value thereof on said portion of said streets respectively be first obtained in writing, duly acknowledged as are deeds entitled to be recorded.

§ 2. This act shall take effect immediately.

Chap. 390.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of purchasing school lots and erecting, enlarging, repairing and furnishing school buildings.

Accepted by the city.

BECAME a law April 28, 1895, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the city of Buffalo to issue its bonds in the sum of two hundred and fifty thousand dollars for the purpose of raising money to purchase school lots and erect, enlarge, repair and furnish school buildings, such bonds to bear interest at a rate not exceeding three and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo, or at the Gallatin National Bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place; one-twentieth thereof to be payable at the end of each successive year thereafter until the whole sum shall have been paid. Such bonds shall be issued from time to time as may be ordered by the common council, by the mayor and comptroller under the city seal, and shall be sold or awarded, as provided in section four hundred and ninety-two of the charter. The common council shall make provision for the payment of the interest on and the principal of said bonds, as the same shall become due, in the general fund estimates for said city.

§ 2. This act shall take effect immediately.

Issue and
sale of
bonds.

Payment of
interest and
principal.

Chap. 391.

AN ACT to provide for the assessment and collection of village taxes, in the village of North Tonawanda, Niagara county.

BECAME a law April 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The assessors of the village of North Tonawanda, ^{Village assessors, their powers and duties.} Niagara county, shall have the same powers and perform the duties of the office in the same manner as town assessors, and be subject to the laws applicable to the same, except as otherwise provided by this act. It shall be the duty of the assessors, ^{Assessment of taxes.} within sixty days after the annual meeting of the electors of the village, to proceed and assess upon the taxable property, liable to assessment and taxation within the village for village purposes, as follows: Upon the taxable lands, in the name of the reputed owner or occupant thereof, making no distinction between the lands of residents and nonresidents, and upon personal estate in the name of the owner thereof, such sums as they deem necessary, besides funds received and estimated to be received from other sources, to defray the ordinary expenditures of the village for the current year, not to exceed the amount fixed for that purpose in the detailed statement of the trustees present at the annual meeting; or, in case such amount shall not have been fixed and presented at the annual meeting, then not to exceed the amount which shall be fixed and estimated in like detail, and published in like manner by the trustees within thirty days after such annual meeting; also, any sum directed at an annual election, to be raised as an extraordinary expenditure for a special purpose for that year; also any sum authorized at any special meeting of the taxpayers to be raised as an extraordinary expenditure; also the amount to be raised as a highway tax; also the poll-tax.

§ 2. The assessment-roll shall contain the names, in alphabetical order, of the real or reputed owners or occupants of the estate deemed taxable in said village. No assessment of real property, however, shall be considered as illegal by reason of the same not being listed or assessed in the name of such real or reputed owner or occupant thereof, if the property, ^{Assessment roll.}

assessed is described in the assessment-roll with reasonable certainty. In case, by reason of any actual error or defect in the assessment-roll of the last previous year, the taxes authorized and intended to be assessed thereby were not wholly collected, then the assessors may include the amount of such deficiency or the amount unpaid on said assessment-roll of the previous year, in the sum assessed for the current year, but shall credit upon such assessment made against the property of any person or corporation, the amount paid by such person or corporation upon such previous assessment, and included in the sum assessed for the current year as aforesaid. The assessors may require the attendance, aid and advice of the village attorney in any matter relating to the making of any assessment, and the attorney shall, when required, give such attendance, aid and advice; and said attorney shall also, at the request of said assessors, or either of them, investigate and ascertain the title to any and all real estate to be assessed as aforesaid, and his compensation for any services so required shall be a village charge.

Aid and advice of village attorney.

Completion of roll.

Notice of completion of roll and hearing.

Service of notices upon land owners.

Correction of roll.

§ 3. The assessors of said village shall complete the assessment-roll on or before the first day of July in each year, and when completed shall cause to be posted in ten public and conspicuous places, and published in one or more newspapers in the village, a notice of the completion of said roll, and that the same may be seen and examined at the place where, and until the time when, not less than twenty days from the first publication of such notice, they will meet for the purpose of hearing and determining all complaints to said roll, and of revising and correcting the same. They shall also, during said period of twenty days, serve or cause to be served personally, or deposited in the post-office in said village, notices directed to the owners of the lands whose names shall be entered on the roll, and registered in the book kept by the clerk, as herein provided, to their post-office address as therein registered, and which notice shall state that the roll, naming it, is on inspection, and shall contain a description of the property assessed and the assessed valuation thereof. They shall have such power and authority during such period and at such times to correct such roll as to them shall seem necessary. They may add or insert therein any property liable to taxation, and the assessment thereof, which may have been

omitted therefrom, upon giving personal notice thereof to the owner, agent or occupant of the property. Upon the hearing the assessors may compel the attendance and testimony of witnesses by process to be issued by them, and to be enforced in the same manner as process against witnesses in criminal cases. Any person feeling himself unjustly and unfairly assessed may, after his application has been rejected by the assessors, proceed as is provided in case of appeals from the town assessors. If the proper notices are given, as required by this act, the assessment-roll shall become and be final and conclusive as to all persons making no objections thereto.

§ 4. After the roll shall have been completed and corrected, the assessors shall file the same and a true copy thereof, with the clerk of the village, on or before the first day of August in each year. Upon the filing of said roll, the assessments therein made upon the several parcels of land therein specified, together with the interest thereon and additions thereto, as they accrue, shall be and remain a lien and charge upon the said lots or parcels of land, respectively, from the time of filing the said assessment-roll with the clerk, superior to all other liens, right, title or estate therein, until paid or otherwise satisfied and discharged. The taxes assessed upon personal property shall be a lien thereon from and after the date of the delivery of the roll to the collector. Any assessor shall forfeit to the village of North Tonawanda twenty-five dollars for every violation of duty as assessor.

§ 5. It shall be the duty of the clerk to keep in his office a book for the registration of the names and post-office addresses of all persons liable to taxation within the village, who may desire to register the same, and all such persons making such registration shall be entitled to a notice from the assessors of the completion of the roll with the other particulars in said notice required to be given as hereinbefore provided. The clerk shall also keep in his office a book in which, upon the presentation to him of every deed of conveyance of lands in the village, he shall enter the date thereof, the names of the parties thereto, and a brief description of the real property therein described. He shall also note upon every such deed of conveyance, so presented to him, the fact of such presentation. If the county clerk shall record any deed of conveyance of lands in the village which shall not have been marked by the clerk, as provided by this act,

Filing of roll.

Lien of assessment and taxes.

Violation of duty.

Registration of names, etc., of taxpayers.

Book of conveyances.

Endorsement and record of deeds.

Office supplies.

he shall forfeit to the village the sum of ten dollars for each offense. But nothing herein contained shall affect the record of an unmarked deed. The clerk shall cause all assessment books, stationery and blank printing necessary to be used by the assessors in the performance of the duties of their office to be promptly furnished when and as required by them.

Notice of final completion and inspection of roll.

§ 6. Such roll shall remain with the clerk for a period of fifteen days for public inspection. The clerk shall forthwith give public notice by posting the same in at least three of the most public places in the village, or by publishing the same in one or more newspapers published therein, that said assessment-roll has been finally completed, that the same has been delivered to him, and that the same will be open to public inspection at his office.

Delivery of roll and warrant to collector.

§ 7. After the expiration of the said period of fifteen days the tax-roll shall be immediately delivered by the clerk to the collector, with a warrant thereunto annexed, under the hands of the president and clerk of the village, and the seal of the corporation commanding him to collect the taxes therein specified, with his fees, and return said warrant and roll within sixty days after the date of the warrant, unless the time shall be extended. The board of trustees of the village may issue new warrants for the collection of any village tax, or may extend the time for the return of any warrant, from time to time, as they may deem best, and until the time hereinafter prescribed for the sale of lands described in the roll for unpaid taxes; but the renewal of any such warrant, or the giving of any such extension, shall in no event affect the validity of the bond of the collector, or the liability of the collector and his sureties thereupon. The clerk shall also duly authenticate, under the corporate seal of the village, the copy-roll filed in his office. At the time of the delivery to him of the original roll and warrant the collector shall indorse on the copy a receipt acknowledging the reception by him of the original roll and warrant as village collector.

Renewal of warrant.

Authentication of roll.

Indorsement by collector.

Notice of receiving payment of taxes.

§ 8. Immediately upon the delivery of the roll and warrant to the village collector, the collector shall publish for twenty successive days a notice in all the newspapers printed and published in said village, and shall post notices in five public and conspicuous places in said village, and cause such other and further notice to be given as the board of trustees may direct, that the same

has been left with him for collection, and designating some convenient place or places within the village for receiving payment of taxes for twenty days next after the first publication of such notice, from nine o'clock in the morning until four o'clock in the afternoon, and that for said twenty days every person, company, corporation or association paying his, her or their taxes to the collector may do so without additional charges; for twenty days next thereafter two per centum fees thereon shall be collected; and that thereafter five per centum fees shall be collected, and that all such taxes remaining unpaid after the expiration of ninety days, in addition to said five per centum fees, shall bear interest at the rate of twelve per centum per annum from the date of the delivery of the roll to the collector. But the collector, after said first period of twenty days, shall be entitled to receive the per centum fees on every amount of tax under one dollar paid in or collected while the roll shall remain in his hands. The collector shall attend at the time and place specified in said notice and may receive, but not enforce, the collection of taxes within the first twenty days after the publication of said notice.

Fees for
collection.

§ 9. The collector shall proceed to collect the unpaid taxes in said roll specified in the same manner provided by law for town collectors of town and county taxes, and shall have and possess all the powers and authority conferred by law on the collector of town and county taxes; and shall pay over all moneys collected by him to the village treasurer at least once a week, and take his receipt therefor, and make a monthly return and statement, under oath to the clerk of the village of the amount collected and paid over by him and of the taxes remaining unpaid; and by filing a transcript of all taxes set forth in the roll so remaining unpaid, and by making oath thereto before the clerk similarly, in all respects to the oath required by law of collectors of county taxes, he shall be credited by the clerk with the amounts so remaining due and unpaid. But no such settlement nor any settlement had by the board of trustees nor by any village officer with any collector of any tax or assessment shall be final or conclusive; and no bond or other security given by any collector shall be invalidated or discharged by or canceled on any such settlement, but shall remain in full force, and shall be held for two years thereafter by the village. And if any such collector shall fail to return any warrant issued to him as therein

Collection
of unpaid
taxes.

Payment
over of
moneys.

Monthly
return.s.

Account-
ing.

Power of
court to
enforce
return,
payment or
accounting.

required, or shall fail to pay over to said treasurer all moneys collected or received by him, or shall fail to make a full and true account thereof, the supreme court, or any justice thereof, shall have jurisdiction, on proof by affidavit or otherwise, summarily to enforce such return, payment or accounting, or all of them, as the case may be, by attachment and proceedings thereon, in the same manner as if such collector was a sheriff or officer of that court; and if any such collector shall neglect or refuse to pay over any money collected by him he shall be deemed guilty of a misdemeanor or felony, as the case may be, and shall be punished as provided by law. The collector shall receive as compensation for his services, in addition to the fees collected by him, the sum of one hundred dollars per annum.

Violations
by collector.

Compensation.

Tax
receipts.

§ 10. All receipts issued by the collector for taxes paid to him shall be numbered consecutively, commencing with number one on the first receipt issued for taxes for any one year, and he shall not receipt for more than one year's taxes on the same property in one tax receipt, but shall use a separate and distinct series of numbers of receipts, issued for the taxes of each year for which the same is levied and assessed. The clerk of the village shall cause all tax receipts to be printed and numbered and firmly bound together in book form, and to be in duplicate, each duplicate to bear the same number. The clerk shall, on the delivery of the receipts to the collector, charge the collector with the number of receipts delivered, and the collector shall immediately examine the numbering of the receipts and report to the clerk any irregularity found therein. The collector shall receipt to the clerk therefor, and shall be held strictly accountable for all receipts found missing at regular settlements, also for all detached receipts, including receipts the duplicates of which do not show the entry of taxes. All irregularities in the issuance of receipts that render them worthless must be shown on the face of the original, which must in no case be detached from the duplicate. With the return of the roll and warrant to the clerk the collector shall deliver to the clerk all duplicates of receipts issued by him, and all other receipts delivered and charged by the clerk to him.

Interest
and per-
centage on
unpaid
taxes.

§ 11. All taxes which shall remain unpaid after the final return of the warrant shall continue to bear interest at the rate of twelve per centum per annum from and after the date of the

delivery of the roll by the clerk to the collector, and shall be collected with an additional charge of five per centum thereon, as directed herein, either by a sale of the estate assessed as herein provided, or by suit against the party liable to pay such assessment or tax, or the same, if not so collected, shall be added to the amount or sum taxed against such party or parties to the next annual tax or assessment; and when so added, the total sum or amount shall be collected in the same manner, or either of them, as herein provided. But this act shall not in any manner affect the liability of the collector and his sureties on the bond given by them.

§ 12. When default has been, or shall be made in the payment of any or any part of any tax made, as herein provided, or made under any former act or acts of said village, and when the collector has made return thereof to the clerk, that he can not collect the same, the trustees may cause the estate so assessed to be sold at public auction, without credit. Such sale shall take place in March or April in every year. The trustees shall cause to be prepared a statement of the taxes upon lands returned by the collector as unpaid. Such statement shall be a transcript of the rolls, and shall specify the amount of each tax with additions and interest to the day on which the sale is to commence, and the further sum of two per centum upon the amount of each tax, addition and interest. When there is more than one tax upon the same parcel of land, the description of said parcel shall be inserted in said statement but once. The trustees shall also charge each parcel of land included in said statement with one dollar, after publication has been commenced to cover the expenses of printing and publication. All such interest, fees and expenses shall be a charge upon the lands, and shall be added to and made a part of such tax. Should any errors be discovered in the description of the lands so assessed and taxed, the trustees may correct the same at any time previous to the sale, and no printed errors in the printed description in the newspapers shall vitiate or in any manner affect the validity of such sale.

§ 13. The trustees shall cause to be given public notice of the sale, by publication of a notice containing a description of the lands to be sold, and specifying the time and place of sale, in a newspaper published in said village, once in each of the six weeks immediately preceding the day of sale, and by posting such

Sale of
land for
unpaid
taxes.

Statement
and
description
of lands.

Notice of
sale.

Sale. notice of said sale in at least ten public places in said village, at least forty-two days before the day of sale. On the day named the trustees or any one of them shall commence the sale of said lands, and shall continue such sale from day to day until the whole thereof shall be sold. Before the sale the owner of any parcel of land, or his representatives, or any person interested therein, may avoid the sale thereof by paying the tax or taxes to the clerk with all accrued interest, fees, additions and expenses.

Avoidance of sale by payment of tax. **Purchasers.** § 14. The person who offers to pay the amount of taxes due on any parcel of land, or the smallest portion of the same, is to be considered the purchaser, and when the purchaser shall designate the portion of any tract or parcel of land, for which he will pay the whole amount of taxes assessed against any such tract or parcel, the portion thus designated shall, in all cases, be considered an undivided portion. When there are several taxes upon the same parcel of land, such parcel shall not be sold for less than the aggregate amount of them, but when they are upon different parcels, although in part the same, each parcel shall be sold separately.

Sale when several taxes upon land. **Payment of bids.** § 15. The person purchasing any parcel or portion thereof shall forthwith pay to the clerk the amount of their respective bids, and upon the failure so to do, the said parcel shall at once again be offered for sale as if no such sale had been made.

Purchases for village. § 16. It shall be the duty of the president of the village to attend such sales, and if he shall deem it best for the village so to do, to bid in for the village all parcels of land which shall not be purchased by any other person at a rate sufficient to pay the taxes thereon with all accrued interest, additions and expenses. Should the president fail to attend any sale of lands as required by this act, the trustees may appoint one of their number or other person to perform such duty. The village is hereby given capacity to acquire title to lands, at such sales, and to possess the same, and sell and convey the same as soon as the same may be conveniently done to the advantage of the village.

Private sale of lands after tax sales. § 17. After the tax sale has been closed, if any real estate remain unsold for want of bidders therefor, the clerk of the village is hereby authorized and required to sell the same at private sale, at his office, to any person who will pay the amount of the taxes, additions and expenses as hereinbefore provided for the same.

§ 18. The clerk shall keep in his office a sale book showing the ^{Sale book.} lands sold, the date when the same were sold, the name of the purchaser and the sum for which each parcel was sold.

§ 19. The clerk upon receiving the amount of the total tax, ^{Certificate of purchase.} interest, fees, additions and expenses of sale, shall make and

deliver to each purchaser a certificate which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, the time when the purchaser will be entitled to a deed of conveyance of the lands sold, and that the same were sold for unpaid village taxes. Such certificate shall be signed by the clerk in his official capacity and shall be presumptive evidence of the regularity of all prior proceedings. If the purchaser subsequently pays any taxes levied on the parcel of land so purchased by him, whether for any year or years previous or subsequent to such sale, he shall have the same lien for them, and may add them to the amount paid by him in the purchase. If any person shall become a purchaser of more than one parcel of property, he may have the whole included in one certificate, but each parcel shall be separately described, and the amount paid may be entered in gross in said certificate. Said ^{Assignment thereof.} certificate of purchase shall be assignable by indorsement and an assignment thereof shall vest in the assigns or his legal representatives all the right and title of the original purchaser; and the statement in the deed of the fact of assignment shall be presumptive evidence of such assignment.

§ 20. The clerk shall be entitled to demand and receive from ^{Fees for certificates and deeds.} the purchaser, his heirs, successors and assigns, for the use of the village, the sum of fifty cents for each certificate or deed prepared by him on such sale, together with the fee of the notary public or other officer taking the acknowledgment of said certificate or deed.

§ 21. The owner ~~of~~, or any person interested in, or having a ^{Redemption of lands.} lien upon, any real estate sold for taxes as aforesaid, may redeem the same at any time within two years after the day of such sale by paying to the clerk of the village for the use of the purchaser upon such sale, his heirs or assigns, the sum mentioned in the certificate given to him, and the interest thereon, at the rate of twelve per centum per annum from the date of purchase, together with all other taxes subsequently paid, whether for any

year or years previous or subsequent to said sale and interest thereon at the same rate from the date of such payment; also the necessary expense of searches and publication and serving the notices herein provided, not exceeding the sum of fifteen dollars. The clerk shall enter a memorandum of the redemption in the sales book in the list of sales, and give a receipt therefor to the person redeeming the same, for which he may charge for the use of the village a fee of twenty-five cents, and shall hold the redemption money paid, subject to the order of the purchaser, his agent or attorney. But infants, idiots and insane persons may redeem any land belonging to them from such sale, within two years after the expiration of such disability, on like terms as if redemption had been made within two years from the date of said sale, and from the date of such subsequent payment of taxes thereon, at the rate of twelve per centum per annum on the several amounts so paid by the purchaser until redemption. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject to the right of the person making the same to be reimbursed by the person benefited.

Deed for
lands sold
again.

§ 22. If any purchaser of real estate sold for taxes under the provisions of this chapter shall suffer the same to be again sold for taxes before the expiration of the last day of the second annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of the second sale, during which time the land shall be subject to redemption upon the terms and conditions prescribed in this chapter; but the person redeeming shall be only required to pay, for the use of such first purchaser, the amount paid by him with interest at the rate of six per centum per annum. The second purchaser shall be entitled to the amount paid by him, with interest as provided in the preceding section.

Redemption of such
lands.

Conditions
preliminary to
conveyance
of land.

§ 23. No purchaser or assignee of such purchaser of land at any sale of lands for taxes shall be entitled to a deed for the land so purchased until the following conditions have been complied with, to wit: Such purchaser or assignee shall serve or cause to be served a written or printed or partly written or partly printed notice of such purchase on the occupant, owner in fee, attorney in fact whose power of attorney is recorded, trustee, mortgagee, judgment-creditor or purchaser upon any other tax sale of the

Notice by
purchaser
or assignee.

same property, whose certificate is a lien on said premises, and the heirs or assigns of either of them, and the guardian of any infants having any interest therein, at least three months before the expiration of the time for redemption of such sale, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall contain a brief description of the parcel of land to be redeemed, the amount due at the time of sale, the amount for which the property was sold and the expense, if any, of making searches thereon, the last day of redemption of any such real estate and the office or place and hours when and where the money for such redemption can be paid, which office or place of business shall be in the village of North Tonawanda, and which hours shall be between nine o'clock in the forenoon and five o'clock in the afternoon.

§ 24. Such notice shall be served personally or left with some person of suitable age and discretion, at the residence or place of business of any and all persons entitled to such notice, if they or any of them reside in the village of North Tonawanda, or have a place of business therein; and in case they or any of them do not reside or have a place of business in said village, then such notice shall be deposited, postage prepaid, in the post-office, addressed to them at the post-office at or nearest to their known place of residence; and if the residence or address of any such person or persons be not known to the holder of such certificate, then such notice shall be published once a week for three months prior to the day therein named for redemption in the official paper of said village. Service of notice.

§ 25. The expenses of mailing, serving and publishing such notice shall be added to and become a part of the amount required to be paid for the redemption of such real estate. The county clerk of Niagara county shall, upon application of any purchaser of any lot or lots, or his assignees, make a full and complete search of such property, setting out in full the facts upon the records of his office necessary to enable such holder to serve the notice herein required, and shall be entitled to charge therefor the sum of ten cents each for such conveyance or record certified by him; such compensation, however, in no case to be less than one dollar and fifty cents, nor more than seven dollars and fifty cents. Such holder shall be entitled also to demand from Expenses of serving, etc. notices. Searches by county clerk.

any person entitled to redeem from any sale the certificate of which shall be held by him, the sum of one dollar for the tax search made upon such property. It shall be the duty of the clerk, whenever any parcel of land shall, under the provisions of this act, be struck off to the village to seasonably procure from the county clerk the necessary searches to enable the village to perfect its title to said lands, and the trustees shall, in their annual statement presented at the annual meeting, include a sum sufficient to cover the cost and expense of such searches.

Affidavit of compliance with conditions.

§ 26. Every such purchaser or assignee, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of the last three sections, stating particularly the facts relied on as such compliance, which affidavit shall be delivered to the clerk of the village, to be by him entered on the records of his office, and carefully preserved among the files of his office, and which records or affidavit shall be prima facie evidence that such notice has been given.

Deed of conveyance.

§ 27. At any time after the expiration of two years from the date of sale of any estate for taxes, if the same or any part thereof shall not have been redeemed as herein provided, the clerk of the village, upon request and on the production of the certificate of purchase and upon compliance with the last four sections of this act, shall execute and deliver to the purchaser, including the village of North Tonawanda, its or his heirs, successors or assigns, a deed of conveyance of the real estate so sold for taxes and not redeemed, under his hand and seal of the village, and attested by the president of the village, and such deed shall vest in the grantee, its or his heirs, successors or assigns an absolute estate in fee simple; and such deed, when so executed, shall be conclusive evidence that the sale was regular, and also presumptive evidence that all previous proceedings were regular according to law and the provisions of this act. After two years from the date of such conveyance such presumption shall, in every particular, be conclusive. Every certificate or conveyance executed in pursuance of this act may, when acknowledged, be recorded in the same manner and with like effect as a deed acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

Record of certificates or conveyances.

Possession of premises, how obtained.

§ 28. The purchaser may, at any time after the delivery of the deed of conveyance, and not before, obtain actual possession of

the premises by an action at law, or by causing the occupant of such real estate to be removed therefrom, and the possession thereof, to be delivered to him in the same manner and by the same proceedings by and before the same officers as in the case of a tenant holding over after the expiration of his term without the permission of his landlord.

§ 29. It shall be presumed that every tax levied is valid and regular and that all the steps and proceedings required by law were taken and had until the contrary shall be made to appear.

Validity of tax and proceedings.

Any such action or proceeding commenced by any person or persons to test the validity or regularity of any tax levied shall be commenced within one year from the date of the delivery of the roll in which said tax is contained to the collector; the invalidity or irregularity of any tax shall not be available as a defense to any action or proceeding commenced after the expiration of one year from the delivery of the roll as aforesaid, for the collection of said tax or assessment, or for the enforcement of any right or title by virtue of any sale thereunder, unless an action or proceeding to test the validity or regularity of such tax shall have been commenced within the time hereinbefore limited for commencing the same, and shall be still pending, or such tax shall have been adjudged to be irregular or invalid. Where the invalidity or irregularity of any tax or assessment appears upon the face of the proceedings, any party in interest may, after having made application to the board of trustees of said village, as hereinafter provided, apply by petition to the supreme court for an order cancelling the same; said court shall require reasonable notice to be given to the village of such petition, and shall hear the proofs and allegations of the parties and shall, in case such irregularity or invalidity is established, order such tax to be cancelled, and thereupon the same shall be cancelled by the clerk of the village.

Action to test same.

Cancellation of tax upon establishment of irregularity, etc.

§ 30. Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any proceeding for the collection of any tax, the board of trustees of said village shall reimburse the purchase-money so paid with interest from the time of its payment at the rate of six per centum per annum, the amount thereof to be pre-

Reimbursement of purchase-money in certain cases.

Reassess-
ment of
amount.

sented and audited as other village charges; and thereupon the board of trustees of said village shall make a reassessment of any amount or sum so paid upon the same real estate, or against the same person, in the same manner as hereinafter provided, which assessment shall for all purposes of this act be deemed and taken to be an original general village tax as of the date of such reassessment.

Release,
e. v., of
taxes by
trustees.

§ 31. The board of trustees of said village may, in their discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property, for any error, irregularity or omission in the levying of said taxes, or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this act, or the laws in force when such tax was levied, or in case of error in the description of lands, or in the designation of the owner or occupants, the board of trustees may, in their discretion, or upon the application of any person interested, proceed to correct such irregularity, omission or error, or cancel, remit or commute such tax, or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid, or upon the owner or occupant thereof; and the board of trustees are hereby authorized and empowered to make such reassessment upon giving ten days' personal notice thereof to the owner, agent or occupant of the property, against which the amount remains so unpaid; they may direct the village clerk to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly made.

Correction
of irregu-
larities, etc.,
by trustees.

Reassess-
ment of
amount.

Assessment
not to be
declared
invalid or
action com-
menced
until, etc.

§ 32. No assessment made under this act, or any act in force and applicable to said village at the time said assessment was made, which by the terms of this act, may be corrected upon the application of any person interested, or by the board of trustees, upon their own motion, shall be declared invalid, nor shall any action be commenced in any court for such purpose until application therefor, made in writing, setting forth the facts showing such invalidity, and duly sworn to by the applicant, shall have been first duly presented to said board of trustees.

Addition of
omitted
taxes to roll
of current
year.

§ 33. In case any taxable lands have been omitted in any of the general tax-rolls for any of the three preceding years, the

assessors may insert or cause to be inserted in the roll for the current year, in addition to its share of the tax for such year, the proportion of the taxes it should have borne in such preceding years or either thereof, stating such additional taxes separately, and such additions shall be collected as part of the tax for the current year.

§ 34. The board of trustees may, before sale, apportion any unpaid tax, and determine the amount thereof chargeable against any separate parcel of the lands originally assessed therefor, on such equitable principle as to it may seem applicable in the premises, and on payment of the sum so determined, together with a pro rata proportion of any interest, addition, fees or expenses which may have accrued thereon, said tax shall be extinguished as to such separate parcel; and the remainder thereof shall continue a lien on the remainder of the lands originally assessed therefor.

Apportionment of taxes upon separate parcels of land.

§ 35. The trustees are also authorized and empowered, in case the collector shall return that a tax or assessment on any estate is unpaid, and that he is unable to collect the same, after the lapse of thirty days from the date of such return to prosecute a civil action in any court of competent jurisdiction against the owner or owners of such estate, in the corporate name of the village, and recover judgment for the amount of such tax, with twelve per centum interest thereon, and the costs and expenses of such action. Any justice of the peace of the town of Wheatfield, Niagara county, shall have jurisdiction to try such action when the sum claimed does not exceed two hundred dollars. A transcript of judgment of the justice's court may be filed and said judgment docketed in the county clerk's office of Niagara county, and it shall, however small the amount, thereupon become a judgment of the county court of said county, and a lien to the amount of said judgment, upon all the real estate of the judgment-debtor situate in said county. Upon any judgment recovered for said unpaid taxes and docketed in said county clerk's office, execution may be issued and collected as provided by law, and all the provisions of law in reference to sale and redemption of real estate on execution or to proceedings supplementary to execution, shall apply to sales, redemptions or such proceedings, under this act.

Collection of tax by civil action.

Collection of judgment.

§ 36. The return of any tax by the collector to the village clerk

**Evidence of
return,
assessment-
roll, etc.**

as unpaid, or a copy of the same certified by said clerk, with the corporate seal attached, shall be presumptive evidence of the truth of the statements in such return, in all courts and places, and in all actions and proceedings, and any assessment-roll filed with the clerk, or a copy of the same certified by him, with the corporate seal attached, shall be presumptive evidence of the contents thereof, and the regularity of such assessment, in all courts and places, actions and proceedings, and of the right to levy any tax or make any assessment therein mentioned.

**Application
of act.**

§ 37. All the provisions of this act are hereby made applicable to all village taxes of the village of North Tonawanda, heretofore or hereafter levied or assessed. But nothing contained in this act, or the acts amendatory thereof, shall be held or construed as in any way affecting the validity or lien of any State or county tax heretofore or hereafter to be levied or assessed upon or against any of the real estate in this act referred to, or sold, or in any way depriving the county of Niagara, or the State of New York, by its proper officers, from enforcing the collection, by sale or otherwise, of any such tax from or against any of said lands or real estate.

**Searches
for unpaid
taxes.**

§ 38. It shall be the duty of the village clerk of said village, upon the request of any person therefor, to make careful search of the books and records in his office, for any unpaid taxes or tax sales upon or against any piece or parcel of land in said village, making a proper abstract thereof, showing the year in which each item of unpaid taxes was levied or sale made, the amount of said item or sum for which the land was sold, the purchaser thereof, and the amount required at the date of the certificate to redeem the land from such tax or tax sale in cases where the time for redemption has not expired. He shall certify said abstract as such clerk, and shall be entitled to the following fees: For each certificate of search of one or more parcels of land, contained in the same block, ten cents for each year covered by the search, to be paid by the party requesting such search, which fee he may have and retain to his own use, and shall not be required to account therefor.

**Fee for
certificate
of search.**

Repeal.

§ 39. All acts or parts of acts inconsistent with the provisions of this act, in so far as the same relate to the village of North Tonawanda, Niagara county, are hereby repealed.

§ 40. This act shall take effect immediately.

Chap. 392.

AN ACT to amend chapter sixty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled 'An act to amend, consolidate and revise the charter of the village of Peekskill, and the several acts amendatory thereof.'"

BECAME a law April 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter sixty-two of the laws of ^{Charter amended.} eighteen hundred and eighty-nine is hereby amended so as to read as follows:

§ 1. Subdivision thirty-four of section three of title five of ^{Powers of trustees.} chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three is hereby amended so as to read as follows:

34. To cause, in their discretion, common sewers and drains ^{Construction of drains and sewers.} to be constructed in any part of the village, upon the application in writing in each case of a majority of the resident owners (counted by lots) of the lots along which the proposed sewer and drain is to be built; or, upon the application of the board of health of said village, which application shall be based upon the unanimous vote of said board, that, in its opinion, the public health of said village requires that such sewer or drain, or both, be constructed. Upon the coming in of the bills therefor, and ^{Issue of certificates for expense.} auditing of the same, said board may issue certificates for the amount of such bills, and for any bills heretofore audited for sewer expense; which certificates shall be a lien upon the taxable property of said village, and be made payable at such time or times as said board may fix, and which said certificates shall bear interest at the lowest rate obtainable, not exceeding five per cent. per annum, and said certificates shall be paid from time to time as the funds therefor shall be collected, and which interest shall be paid from any funds in the hands of said board; at any time after the expiration of one year from the ^{Refunding of same by issue of bonds.} date of any such certificate, said board of trustees may refund the same, and issue bonds to be denominated "sewer bonds," of such denomination and payable at such times as said board may fix, and which shall bear interest at the lowest rate obtain-

able, not exceeding five per cent. per annum, payable semi-annually, but any such bonds shall only be issued to an amount not to exceed the amount of outstanding certificates not represented by local assessments levied on account of the same and unpaid, and all moneys realized from the sale of such bonds shall be applied to the cancellation of said certificates, and the payment of such bonds and the interest thereon and upon any sewer certificate shall be a charge against said village and be levied and collected by said board of trustees in excess of any sum now authorized to be collected by law. After auditing said bills, said board shall thereupon determine the portion of the expense thereof, if any, that shall be borne by the village, and the portion thereof that shall be assessed locally, and they may require the assessors to apportion and assess the expense thereof, or the residue of such expense, upon the owner or owners of or occupants, or others interested in the lots, tenements and real estate which they shall deem benefited thereby, in proportion, as near as may be, to the benefits and advantages which each shall acquire thereby. The said board of assessors shall meet and apportion said assessment, and shall thereupon give ten days' notice of the time and place when they will meet to hear any objections thereto by publishing said notice in a weekly newspaper published in said village, and all persons interested in said lands, or any of them, shall be entitled to be heard before said board of assessors upon the question of said apportionment. After hearing all such parties as shall appear before them and making such corrections of the said apportionment upon the said several parcels of land as shall be in their opinion just and equitable, according to the benefits, said assessors shall sign their said assessment and apportionment. A certificate of such assessment and apportionment, signed by the assessors making the same, as aforesaid, shall be filed in the office of the clerk of the village, and shall be binding and conclusive upon the owner or owners or others interested therein, and the amount assessed against the owners of and persons interested in each parcel so assessed shall be a first lien upon such parcel from the date of such filing. Said board of trustees shall issue its warrant for the collection of all such charges and cause the same to be collected, with interest from the date of the assessment, in the same manner as other village taxes and assessments

Assessment
of expense.

Review
and correction
of
assessment.

Warrant
for collection.

are collected. Any person in possession of any real estate under contract for the purchase thereof, may, in the discretion of said board of trustees, be deemed the owner thereof, for all the purposes of this act, and where any lot is owned by several persons as tenants in common, one of such owners may petition on behalf of the lot. Said board shall have power and authority to establish the permanent plan of a system of sewerage for said village, and the sewers now laid in Central avenue and Park street and Main street, and the branch sewers connecting therewith, are declared to be a part of the permanent plan of sewerage of said village; they shall also have power to establish grades for sewers, and to fix upon the size of all sewers in said village, and the size or grade of any sewer as established in such plan shall not be altered, except by the unanimous vote of all the trustees of said village. Whenever any sewer shall be laid it shall also be accompanied by an underdrain for cellar drainage, unless said board shall, by resolution, dispense with the same. Whenever any sewer shall have been laid in pursuance of such plan of sewerage, and local assessments levied therefor, and paid, any change in, or alteration or repairs to said sewer, shall be made at the general expense of the village, and the lot owners shall not be subject to any further local assessment therefor. Said board shall also have power and authority to make such rules and regulations governing the making of connections with said sewers, and the use thereof, as they may deem necessary and proper, and they shall have the exclusive control thereof, and may require all premises connected therewith to be plumbed, trapped and ventilated, in such manner as they may direct; they may require plumbers to be licensed and to file bonds, conditioned that they will obey the ordinance of the village, and protect the public from damage while performing their work, which license shall be forfeited upon a violation of the ordinance of the village by said plumbers; and said board may prohibit any person not so licensed from making any connection with any sewer or underdrain, or performing any work as a plumber in said village upon any premises in said village, connected with sewers or water mains of said village or about to be so connected; they may also prohibit the use of any sewer by any person who shall fail to comply with the ordinances and regulations; they shall also keep a record of all sewer branches, and shall construct such man-holes and washouts upon the line of any sewer as they

Land owners and tenants in common.

Permanent plan of sewerage system.

Cellar drainage.

Alterations at village expense.

Rules and regulations.

Plumbers, licensing of, etc.

Record of sewer branches.

shall deem proper, and may, from time to time, repair the same. Said board shall also have power and authority, when they shall be notified by the board of health, that after notice so to do, any premises on the line of a sewer has not been connected therewith, to notify the owner, occupant or agent of such premises to connect therewith forthwith, and upon his failure to comply with said notice, said board is authorized to connect such premises with said sewer and to assess the cost and expense thereof upon said premises so connected; and said board may upon its own motion notify the owner, occupant or agent of any premises, the water or drainage from which shall run over or upon any sidewalk in said village, to abate such nuisance, and upon a failure to comply with said notice said board may cause a drain to be constructed under said sidewalk, to the gutter or sewer in front thereof, and assess the expense thereof upon such premises so improved thereby; the board of trustees of said village may fix such fines and penalties for the non-compliance with said notice or for the disobedience of its ordinances passed in compliance with this act, as it may deem just and proper. Whenever said board shall deem it necessary to construct a connecting or outlet sewer to perfect the sewerage system of said village, either in a public street or on private property, they shall have the power so to do; if said connecting or outlet sewer shall be directed to be laid through private property, they shall cause accurate surveys to be made of the lands required for such improvements, and also plans and surveys of the proposed sewer, and shall thereupon take such proceedings as are required by section six of title seven of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, to acquire title to such land, or the right to construct and maintain said sewer, as the board in its judgment may deem the public necessity of the village to require. The commissioners in such proceedings shall take into consideration in awarding the damages, the fact of the premises required being the bed of a natural water-course, or if the sewer has already been constructed, the fact that it formerly was such a water-course, if such be the fact, and the amount of the expense of constructing such sewer and the cost of the land required and the expense of acquiring the same shall be a charge against said village, and said board shall issue certificates and pay for the same as hereinbefore provided.

§ 2. This act shall take effect immediately.

Sewer connections.

Abatement of nuisance from overflow of water.

Outlet sewer, construction of.

Proceedings therefor.

Award of damages, how regulated.

Chap. 394.

AN ACT to revise the charter of the city of Oswego.

Accepted by the city.

BECAME a law April 24, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

Boundaries and Civil Divisions.

Section 1. The district of country in the county of Oswego and State of New York, contained within the boundaries hereinafter described, shall be a city by the name of "Oswego," and the citizens of this State, from time to time, inhabitants within the said boundaries shall continue to be a body politic and corporate by the name of "the city of Oswego," and in that name may sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real or personal estate as the purposes of the corporation may require. All the real estate and personal property now owned or possessed by or held in the name of the city of Oswego, or in trust for the mayor and common council of the city of Oswego are hereby vested in "the city of Oswego," with power to hold or convey the same as the purposes of said corporation may require. The said corporation shall also have the powers and privileges conferred by the general statutes of this State upon municipal corporations as well as those conferred by this act.

Corporate
name and
powers.

§ 2. The territory within the following boundaries shall constitute the city of Oswego: Commencing at a point in Lake Ontario, one mile north (true meridian), from the northwesterly corner of lot number thirty-four in the eighteenth township of Scriba's patent, town of Scriba, and running thence south to the northwesterly corner of said lot thirty-four, thence southerly along the westerly line of said lot thirty-four and its prolongation to its intersection with the easterly line of lot number eighty-seven of the same township; thence southerly along the easterly line of said lot number eighty-seven (also along the center line of the highway), to the point of intersection with the northern pro-

Boundaries
of city.

longation of the easterly line of lot number eleven; thence southerly along said prolonged line and also along the easterly line of said lots numbers eleven and twenty-five of Hamilton's gore to its point of intersection with the easterly line of lot number three, Hamilton's gore; thence southerly along the easterly bounds of lots numbers three, four, five, six, and seven of Hamilton's gore, in the town of Scriba, to the southeasterly corner of said lot number seven; thence westerly along the southerly line of said lot number seven to the Oswego river; thence in a northwesterly direction across said river to the southeast corner of military lot number eight in the original township of Hannibal (now town of Oswego); thence westerly along the southerly line of said lot number eight to the west boundary line of the Oswego and Syracuse railroad; thence northerly along the west line of said Oswego and Syracuse railroad to the north line of said lot number eight; thence westerly along the north line of said lot number eight and its western prolongation till it intersects the west line of military lot number five in the original township of Hannibal (now town of Oswego); thence northerly along the west line of said lot number five to the shore of Lake Ontario; thence one mile north (true meridian) into said lake; thence easterly to the place of beginning.

First ward.

§ 3. The said city shall be divided into eight wards as follows, namely: All that part of the city which lies north of a line commencing at a point in the center of the Oswego river in a line with the center of Cayuga street produced and running thence westerly through the center of Cayuga street to its intersection with the center of Bridge street, and thence along the center of Bridge street to the west bounds of said city, and west of the middle of the Oswego river, shall be the first ward. All that part of the city which lies north of the center of Seneca street, and east of the middle of the Oswego river, shall be the second ward.

Second ward.

Third ward

All that part of the city which lies south of the territory above designated as the first ward, and north of the center of Utica street, to the west bounds of the city, and west of the middle of the Oswego river shall be the third ward. All that part of the city which lies south of the territory above designated as the second ward, and north of the center of Oneida street to the east bounds of the city, and east of the middle of the Oswego river shall be the fourth ward. All that part of the city which lies south of the territory above designated as the third ward, and

Fourth ward.

Fifth ward.

north and west of a line commencing at a point in the center of the Oswego river at the northeast corner of military lot number seven; thence westerly along the north line of said military lot number seven to the center of Murray street; thence southerly along the center of Murray street to the center of Varick street; thence westerly along the center of Varick street to the center of Seventh street; thence southerly along the center of Seventh street to the center of Tallman street; thence westerly along the center of Tallman street and its prolongation to the west line of the city, and west of the middle of the Oswego river shall be the fifth ward. All that part of the city which lies south of the territory above designated as the fourth ward and north of the center of Albany street to the east bounds of the city, and east of the middle of the Oswego river, shall be the sixth ward. All that part of the city which lies south of the territory above designated as the fifth ward, and west of the middle of the Oswego river, shall be the seventh ward. All that part of the city which lies south of the territory above designated as the sixth ward, and east of the middle of the Oswego river, shall be the eighth ward.

TITLE II.

Officers of the City; Their Election and Appointment.

§ 4. The officers of the city shall be as follows: Elective officers — one mayor, one recorder, two justices of the peace, two constables, six commissioners of common schools, four commissioners of fire and police; appointive officers — a city chamberlain, a city clerk, a city attorney, a city engineer, a janitor of the city hall, four commissioners of charity, four commissioners of works, a superintendent of works, a harbor master, a chief of police, a captain of police, and so many additional regular policemen as are hereinafter authorized by this act, a police matron, a janitor of police stations, members of the board of health, members of the board of excise, three assessors, a chief engineer of the fire department, a fire marshal, a keeper of the city almshouse, two pound-masters, a sealer of weights and measures, and so many commissioners of deeds as the common council shall designate, according to law; and the following officers for each ward: Elective officers — one alderman and one supervisor; and appointive officers — such election officers as is prescribed by the general election law.

Eligibility
to office.

§ 5. No person shall be eligible to hold, or elected to or appointed to any office in and for the city of Oswego, or in and for any ward or district thereof, unless he shall be at the time an elector and resident of said city, ward or district, except the keeper of the almshouse. No person shall be eligible to the office of mayor, recorder, commissioner of common schools, commissioner of fire and police, commissioner of charity, commissioner of works, member of the board of health, member of the board of excise, assessor, alderman or supervisor, unless he is assessed upon the last preceding assessment-rolls of said city for real or personal property belonging to him, in his own right, to the amount of two hundred and fifty dollars; or is the husband of a woman who is the owner of a like estate and assessed therefor in like manner; and whenever any officer shall cease to be a resident of the city or of the ward or district for which he is elected or appointed, his office shall thereby become vacant.

Creation of
vacancy.

Eligibility
of women
to appoint-
ive office.

§ 6. Any woman who is a resident taxpayer of the city of Oswego and assessed upon the assessment-rolls thereof for real or personal property to the extent of two hundred and fifty dollars, is eligible to any appointive office.

Annual
election
and terms
of office.

§ 7. The election of city officers under this act shall be held with the general election on the Tuesday succeeding the first Monday in November in eighteen hundred and ninety-five and in each odd-numbered year thereafter, and the term of each elective officer elected under this act shall expire at the end of an odd-numbered year, except as herein otherwise provided. The city clerk shall cause a notice of such election to be published as required by the general election law. All officers elected under this act shall enter upon their respective offices on the first day of January next following their election, except when herein otherwise provided.

Statements
of canvass
to be filed.

§ 8. Upon the completion of the canvass of the vote of each city election, the inspectors in each election district shall cause a separate statement thereof, so far as relates to election of officers of the city, to be made and signed by them, and shall, on the same day or the next thereafter, file the same with the city clerk.

Canvass of
vote by
council.

§ 9. The common council shall convene on the Tuesday next succeeding the election in November, at nine o'clock in the forenoon, at their usual place of meeting, and the statement of votes filed with the clerk by the inspectors of election shall be pro-

duced by the clerk. The common council shall forthwith determine, declare and certify in the manner provided by law who is elected to the office of mayor, and shall also in the same manner determine, declare and certify who are duly elected at the said election to the various offices. Such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city and the other with the clerk of Oswego county. The mayor and aldermen elect shall take the oath of office prescribed by the constitution, and the common council thus elected shall organize on the first secular day of January following at ten o'clock in the forenoon.

Certificate
of result.

Organization
of
council.

§ 10. If a vacancy shall occur in the office of mayor, alderman or supervisor, it shall be lawful for the common council to direct a special election to fill the same, and such election shall be conducted and held in the same manner as the city election except that the registry lists of the last preceding city election shall be used at such special election, and no meetings of the board of registry shall be held for such special election. The certified statement of the votes cast at any special election shall be made by the inspectors of election and filed with the city clerk within the same time and in the same manner as at the city election. The common council shall meet within three secular days after the filing of the certified statement of the inspectors of a special election, and shall forthwith canvass the returns of the votes cast at said special election and determine, declare and certify in the manner prescribed by law who are duly elected at said election to the various offices. The certificate thereof shall be made in duplicate and one copy filed in the city clerk's office and the other in the county clerk's office. The persons so declared elected shall forthwith take the constitutional oath required by law, and qualify and enter upon the duties of the office.

Special
election to
fill vacan-
cies.

§ 11. If a vacancy shall occur in the office of any elective commissioner of any department, for any cause, other than expiration of his term of office, it shall be filled for the unexpired term by appointment by the mayor and from the political party to which the previous incumbent belonged.

Vacancies
in office of
elective
commis-
sioners.

§ 12. A vacancy in any appointive office shall be filled by the mayor for the unexpired term in the same manner as the

Vacancies
in appoint-
ive office.

original appointment. In case a vacancy from any cause shall happen in the office of constable, the common council may appoint by ballot a qualified person to fill the vacancy for the unexpired term.

Notification
of election

§ 13. The clerk of the city, immediately upon the filing with him of the certificate specified in sections nine and ten, shall notify in writing every person so certified to have been elected of his election. Every person elected to any office under this act, before entering upon the same, shall take the oath of office prescribed by the constitution of the State, before the mayor or some officer authorized to take affidavits to be read in courts of justice, and file the same with the clerk of the city; and every person so elected, except justices of the peace, who shall refuse or neglect to take and file the said oath of office for ten days after personal notice in writing from the clerk of his election, shall forfeit the sum of twenty-five dollars to the city, and he shall be deemed to have declined the office.

Official
oath.

Notification
of ap-
pointment.

§ 14. The persons appointed to office shall be notified of their appointment by the city clerk; and, besides executing and delivering any bond or instrument that may be required by or under this act, shall take, before the mayor or some officer authorized to take affidavits to be used in courts of justice, the oath of office prescribed by the constitution, and file the same with the city clerk within ten days after personal notice of his appointment, and of the amount of security and the number of the sureties required in his official bond; and any person who shall be appointed to any such office, who shall neglect or refuse so to do within the time above limited for that purpose, shall be deemed to have refused the office.

Official
oath.

Bonds of
certain city
officers.

§ 15. The city clerk, city attorney, recorder, chief of police, harbor master, clerk of the department of works, clerk of the department of charity and keeper of the almshouse shall severally, before they enter upon the duties of their respective offices, give a bond to the city of Oswego, in the penal sum of one thousand dollars, executed by a duly authorized surety company incorporated under the laws of the State of New York, to be approved by the mayor, and conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively. The said bonds shall be filed with the city clerk, except the city clerk shall file his bond

with the city chamberlain. Every officer who shall be required to execute such bond shall cause the same to be executed and filed within twenty days after the service upon him by the city clerk of the notice of his election or appointment, and in case of neglect or refusal so to do, shall be deemed to have forfeited the office.

Forfeiture
of office
for neglect
to file same.

§ 16. Every person elected or appointed to the office of constable in said city shall, before he enters on the duties of his office, with two or more sureties, to be approved by the mayor, execute in the presence of the clerk of the city an instrument in writing, by which the constable and sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto all such sums of money as the said constable may become liable to pay by reason or on account of any execution which shall be delivered to him for collection. The clerk of the city shall file such instrument, certified by him, under the corporate seal; and a copy of such instrument shall be presumptive evidence in all courts of the execution thereof by such constable and sureties. All actions on any such instrument shall be prosecuted within two years after the expiration of the term for which the constable named therein shall have been elected or appointed, and may be brought in the name of the person entitled to the money to be collected by virtue of such instrument.

Constable's
bonds.

Actions on
instrument.

§ 17. The city clerk shall report to the mayor in writing the names of all persons elected or appointed to any office, who shall have neglected to file their bond and oath of office, according to the requirements of this act, within ten days after such default.

Report of
failure to
file oaths or
bonds.

§ 18. Resignation by any officer elected or appointed under this act shall be made to the mayor, who shall report the same to the common council at its next meeting, to be filed and published with the proceedings of that body.

Resigna-
tions.

§ 19. The common council shall have power at any time to remove any officer appointed by it and to appoint another in his place.

Removals.

§ 20. All officers elected or appointed under this act shall hold their respective offices until their successors have been duly elected or appointed and have qualified.

Holding
over.

§ 21. The officers elected for any ward or district shall be voted for by the electors of such ward or district, and by such electors only.

Election of
ward and
district offi-
cers.

Qualifica-
tion of
members of
council.

Not to be
interested
in contracts
or supplies

Failure to
deliver
property,
etc., to suc-
cessor.

Temporary
disqualifi-
cations of
appointive
officers.

§ 22. No member of the common council shall be appointed to any office by the common council; nor shall any member of any department or of the common council, or any other city officer or employe, or member of a board of commissioners, be interested in any contract in which the city is a party; neither shall any of the said officers or employes furnish, directly or indirectly, to the city for its use in any of its departments, goods, wares, merchandise, teams, labor, services, materials or supplies, nor be interested directly or indirectly, in any bill or claim therefor, under penalty of the forfeiture of his office and the loss of his claim.

§ 23. If any person having been an officer of said city shall not within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession or under his control belonging to said city or appertaining to the office he held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect and refusal so to deliver.

§ 25. Whenever any appointive officer provided for by this act shall from any cause, be temporarily disqualified to perform the duties of his office, the mayor may suspend such officer and appoint a qualified person to fill such office until such disqualification be removed, and any person so appointed shall possess all the powers, perform all the duties and be subject to all the obligations of the official whose office he has been appointed to fill and shall qualify in like manner.

TITLE III.

The Common Council.

Common
council.

Meetings.

Presiding
officer.

Chairman
pro tem.

Right of
mayor to
vote, etc.

§ 26. The legislative power of the corporation shall be vested in the mayor and board of aldermen, who shall be called the common council. The common council shall meet at such places and times as they shall by resolution direct, or as the mayor, or in his absence any two aldermen appoint.

§ 27. The mayor, when present, shall preside at all meetings of the common council, and shall have full authority to preserve and enforce order in the council chamber. In his absence a chairman pro tem. shall be chosen, whose power shall be confined to presiding on the occasion of such absence.

§ 28. The mayor shall have the right to be heard on all questions pending before the common council, but shall have no vote

except in case of a tie, and he shall not be counted in making a quorum.

§ 29. A majority of the aldermen authorized to be elected shall ^{Quorum.} constitute a quorum for the transaction of business; but in case, from any cause, at any time there shall be in office a less number ^{Special election to fill vacancies.} of aldermen than shall or may be necessary to make such quorum then a majority of the aldermen in office acting in council, or the mayor, shall have power to and shall order special elections to fill the vacancies in the office of aldermen, to be held in the manner prescribed in this act.

§ 30. A quorum shall be determined by the mayor or other ^{Quorum, how determined.} presiding officer, by counting the aldermen present in the council chamber.

§ 31. The meetings of the council shall be public; but they ^{Meetings, public.} may be held with closed doors when appointments are to be made, and also whenever the council, by a vote of two-thirds of the members present, shall so direct. The minutes of its pro- ^{Minutes of proceedings.} ceedings shall be open to public inspection, except when secrecy shall be enjoined by such vote. The names of absentees at any meeting shall be entered in the journal of the proceedings.

§ 32. The common council shall determine the rules of its own ^{Rules of proceedings, etc.} proceedings and be judge of the election and qualifications of its own members, and have power to compel the attendance of absent members from time to time; to prescribe the duties of all the officers and persons appointed by it to any office or place whatever, subject to the provisions of this act, and to revoke or ^{Revocation of licenses.} cause to be revoked any license given under this act by its authority.

§ 33. All action of the common council shall be taken by ^{Motions, resolutions, etc.} motion, resolution or ordinance. Every motion, except a motion to adjourn, or one relating to the order of business, and every resolution or ordinance of the common council shall, before it takes ^{Approval or disapproval of same by mayor.} effect, be presented to the mayor, duly certified by the clerk. If the mayor approves it he shall sign it, and upon such approval the same shall take effect immediately; if not so approved he shall return it with his objections and file the same with the city clerk within ten days after he receives it; the said council shall, at its first regular meeting thereafter, enter the objections at length on its journal; and at the next regular meeting thereafter of said ^{Passage over veto.} common council, if three-fourths of the aldermen elected shall

Not re-
turned,
when to
take effect.

then agree to and do pass the same it shall take effect as a motion, ordinance or resolution; but in every such case the vote shall be taken by ayes and nays and entered on the journal. If such motion, resolution or ordinance shall not be returned by the mayor within ten days after he has received it, it shall take effect in like manner as if he had signed it.

Commit-
tees.

§ 36. The committees of the common council shall be appointed by the mayor. The term of said committees shall be the same as that of the common council for which they are appointed. The common council by a vote of three-fourths of its members may change or modify any or all the mayor's appointments upon such committees.

Supply
committee.

§ 37. There shall be appointed as provided in the last preceding section, and at all times maintained, a committee to consist of three members of the common council, which shall be known as the supply committee, and which shall have sole power and it shall be its duty to make all purchases when legally authorized by the common council, and not otherwise, for work, labor, services, materials or supplies of every nature, the payment for which is a lawful charge against the contingent fund of said city. The said supply committee shall audit and approve each and every claim for such work, labor, services, materials or supplies so furnished, before the same be presented for payment, or payment thereof be ordered by the common council.

Requisi-
tions for
work and
supplies.

§ 38. The common council are prohibited from purchasing or contracting for any work, labor, services, materials or supplies except upon a requisition therefor duly presented to it, signed by the city clerk or other official requesting the same. When any such requisition shall be duly approved by the common council, the supply committee shall have exclusive authority and it shall be its duty to supervise the purchase or furnishing of such work, labor, services, material or supplies, and to present uniform and detailed specifications for the same in writing, to at least two responsible persons qualified to furnish the same, and request their bids thereon. The lowest bid or bids for any such work, labor, services, materials or supplies so specified, shall be accepted by the supply committee, except that the said committee may reject all bids and upon like specifications ask for other bids therefor. No work, labor, services, materials or supplies of any nature, including that furnished on bids as aforesaid, shall be

Duty of
committee
upon ap-
proval of
requisi-
tions.

supplied to the city of Oswego or any officer thereof, the payment for which is a charge against the contingent fund of said city, except upon a written order of the supply committee or of the city clerk under the direction of the supply committee, acting under the authority of the common council to make such purchases. Such written order shall specify in detail the work, labor, services, materials or supplies ordered and the price or prices to be charged therefor, each item given separately. All such written orders shall be on uniform blanks, printed in copying ink and consecutively numbered, a copy of which shall be kept by the city clerk in his office, and all claims and bills for work, labor, services, materials or supplies furnished under any such order shall be checked and compared with the copy of said order, and shall be certified to by said supply committee as correct, and conforming to the order under which the work, labor, services, materials and supplies therein charged were furnished before the same shall be allowed and paid by the common council.

§ 39. The common council shall have the management and control of the finances and of all of the property, real and personal, belonging to the corporation, except as otherwise provided in this act; and shall have the power within such city, from time to time, to make such ordinances, by-laws and regulations, not repugnant to the laws of the State, as they shall deem expedient for the good government of the city, the preservation of peace and good order therein, the suppression of vice and the benefit of the trade and commerce thereof, and such other ordinances, by-laws and regulations as may be necessary to carry into effect the powers given to said council by this act; and for these purposes are hereby particularly authorized to enact such ordinances:

1. To prevent, restrain, detect and punish every kind of fraudulent device and practice. Frauds.

2. To restrain and prohibit all descriptions of gaming, all playing of cards, dice or other games of chance for gain within such city. Gaming.

3. To prevent any riot, noise, disturbance or disorderly assemblages. Riots.

4. To suppress and restrain disorderly houses and houses of ill-fame, and to require the destruction of all instruments and devices used for the purposes of gambling. Disorderly houses.

5. To restrain and punish vagrants, mendicants, street beggars, common prostitutes and disorderly persons, and to prevent and Vagrants and disorderly persons.

punish drunkenness and disorderly conduct in public streets and places.

Exhibitions
and shows.

6. To license, regulate or prohibit the exhibition of showmen and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations.

Sale of
liquors.

7. To prohibit selling or giving away any ardent spirits by any storekeeper, trader, victualer or grocer, to be drunk in the shop, store, grocery, outhouse, yard or garden owned or occupied by the person selling or giving away the same, except by persons duly licensed; and to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parents, guardian, master or mistress, or to any Indian or drunkard.

Surveys.

8. To survey the boundaries of the city, ascertain, establish and settle the boundaries of all the streets, alleys and highways in the city, and to prevent and remove all encroachments thereon.

Tires of
draft
wagons.

9. At the request of the department of works, to regulate the width of tires of draft wagons. The term "draft wagons," in this act, shall mean a wagon to carry a load of twelve hundred pounds or more.

Horse-rac-
ing.

10. To prevent and punish horse-racing and immoderate driving or riding in the streets or highways.

Games and
amuse-
ments in
streets.

11. To prohibit and punish the flying of kites and every other game, practice or amusement, in the public streets or other public places, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property.

Removal of
snow, dirt,
etc., from
sidewalks.

12. To compel all persons to remove the snow, ice and dirt and other obstructions from the sidewalks in front of the premises owned or occupied by them, and in case of neglect or refusal so to do, to authorize the superintendent of works to remove the same and assess the expense thereof on said premises, or prosecute for and collect the same by action against said owner or occupant.

Encum-
brances.

13. To prevent encumbering the streets, sidewalks, lanes, alleys, wharves and docks within said city.

Peddling,
auctioneer-
ing and
sales by
nonre-
sidents.

14. To regulate and restrain hawking and peddling in the streets, parks and other public places, and to regulate, tax and license pawnbrokers and auctioneers, and the sale of goods

at auction and the vending and sale of goods in the city by nonresidents thereof.

15. To prohibit, or to regulate ~~and~~ determine, the times and ^{Bathing in city.} places of bathing and swimming in the canals, creeks, harbor and other waters in said city.

16. To prevent any person or persons from remaining, stand- ^{Street lounging, etc.} ing or lounging or obstructing any of the sidewalks of the city or standing, sitting or lounging on any platform, or standing in front of any stairway or building without the express permission of the owner or occupant of such building.

17. To license and regulate cartmen, truckmen, porters and ^{Hackmen, carters, etc.} the drivers of hackney carriages of every description, and baggage and other wagons used for hire, and to limit their charges and compensation.

18. To regulate the planting of shade and ornamental trees ^{Trees.} along the streets and sidewalks of said city and to prevent the injury or destruction of such trees; and to prevent the injury or defacement of fences, posts and buildings in said ^{Defacement of fences, etc.} city; and to protect the parks and public grounds of said city.

19. To establish the size of loaves of bread and to regulate the ^{Bread.} sale thereof.

20. To prevent the running at large of dogs; to authorize the ^{Dogs.} destruction of dogs when at large contrary to any ordinance, and to impose an annual tax on the owners and keepers of dogs in the city, not exceeding five dollars for each dog.

21. To prevent and regulate the ringing and tolling of bells, ^{Improper noises.} blowing of steam-whistles, blowing of horns, or crying of goods or wares, firing of guns, powder or other explosive compounds, and the making of any improper noise, which may tend to disturb the peace of the city, and the sale and use of fire crackers, rockets, squibs or other explosive compounds.

22. To regulate and restrain all runners or solicitors of boats, ^{Hotel runners, etc.} stages, railroads, public houses and other establishments.

23. To regulate the place and manner of selling and weighing ^{Hay, fish, coal, etc.} hay, and of selling fish, wood, lime and coal.

24. To determine what are nuisances, and to abate, destroy ^{Nuisances.} and remove the same from or on any street, alley, lane, public lands or lot of any person or persons, and from the river, harbor and wharves, and to assess the expense of abating a nuisance

existing on the land or premises of any person or persons (whether such nuisance be abated by order of the common council or of the board of health of said city) upon such land or premises or upon the premises upon which such nuisance originated.

Unwholesome houses and places. 25. To compel the owner or occupant of any grocery, cellar, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Dead carcasses, etc., in city limits. 26. To prohibit any person from bringing, depositing or leaving within the city limits any dead carcass or other unwholesome substances, and to require the removal or destruction of any such substance, or of any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on or near which the same may be, and on his default to authorize the removal or destruction thereof by some city officer.

Butchers' stalls, etc. 27. To direct the location and regulate and prescribe the management and use of all butchers' stalls and shops, markets, slaughter-houses and houses for storing powder.

Provision markets. 28. To establish and regulate markets for the sale of fresh, pickled and corned meats, vegetables and fresh fish.

Licensing occupations and shops 29. To license and regulate bill posting, bill distributing and sign advertising, pawnbrokers, and butchers' stalls, shops, stands and wagons, and butchers and vendors of fresh fish.

Use of streets by railroads. 30. To prohibit and prevent the unnecessary obstruction of streets by railway locomotives and cars, and to regulate and control their running and rate of speed and the length of time they may be allowed continuously to stand or impede travel upon any street or crossing in said city.

Injuring of property. 31. To protect and to punish for injuring any public bridge or any other public property in the city.

Markets. 32. To purchase market grounds, establish public markets thereon, and regulate and control the same.

Fire limits. 33. To prescribe limits in said city within which wooden buildings shall not be erected or placed without the permission of said common council; and to direct that all or any buildings within the limits prescribed shall be made and constructed of stone or brick, with partition walls, fire-proof roofs, brick and stone or metal cornices and eave-troughs, and also to direct that any building within said limits, to be by them designated, shall

Erection of buildings within limits.

be made and constructed with iron window shutters and iron doors to close upon the outside of such building, under such penalty as may be prescribed by them, not exceeding one hundred dollars for any one offense, and the further sum of twenty-five dollars for each and every week any building so prohibited shall be continued.

34. To prohibit, prevent and regulate encroaching upon or encumbering any street, avenue, highway or alley with any building, steps, platform, bay window, wooden or other permanent awning, cellar door, area, descent into a cellar or basement, sign or any post or erection or any projection from any building or structure, and to cause the same to be removed by the owners or occupants of the premises; to make such expense of removal a lien on the lot on which the building or structure may be situated, and to issue a warrant against any such owner or occupant; to collect the necessary expenses of such removal as assessments are collected; and it shall be the duty of the common council, within six months after the passage of this act, to determine and prescribe limits in said city within which none of the encroachments or incumbrances above specified shall thereafter be permitted on any street within said limits beyond the established street lines, and said common council shall have power from time to time to enlarge such limits within which such encroachments or incumbrances shall not be permitted, but not to reduce or diminish such limits so prescribed.

Encroachments upon streets.

Limits to be established.

35. To permit building material to be deposited on the street, in front of any lot, to such extent, and for such time, and upon such conditions as they may prescribe.

Deposit of materials on streets.

36. To regulate hotels, cafes, restaurants, eating-houses and saloons, for the preservation of peace and good order therein.

Hotels, saloons, etc.

37. To regulate the use of locomotive engines, and of steam or of any other motive power for cars on any or every portion of any railroad within the city, and to prescribe and regulate the speed of cars upon every and any part of any such railroad, and to impose a penalty of not more than one hundred and fifty dollars upon the proprietors or corporations owning any such railroad, or their servants, for each and every such violation of any such ordinance.

Locomotives and use of motive power on railroads.

38. Concerning the lighting of the city and the protection and safety of the lamps used therefor.

Street lighting.

Coal deal-
ers and
coal.

39. To require each retail coal dealer to take out an annual license, to regulate the traffic in coal in said city, the kind of scales to be used in weighing coal and the testing of said scales. To authorize and compel the stoppage in transit of coal sold at retail and the reweighing of the same and fixing a penalty for short weights.

Wires and
poles.

40. To prevent and to regulate the stringing or setting of telephone, telegraph or other wires or poles in said city.

Harbors,
slips and
canals, use
of, etc.

41. To preserve the harbor and all canals and slips in the city; to prevent the casting or depositing therein any earth, ashes or other substances, filth, logs or floating matter; to prevent or remove all obstructions therein; to regulate or prescribe the mode and speed of entering and leaving the harbor and coming to and departing from the wharves; the disposition of the sails, yards, anchors and appurtenances of any craft, vessel or canal-boat while entering, leaving or lying in the harbor; to regulate the use of the harbor and slips by boats or vessels of any kind and to cause their removal or change of location; to prescribe rates of wharfage for the use of the public wharves and to aid the harbor master in the collection of the same; to cause the removal of any vessel, boat, craft, raft or float that shall be sunk in the harbor or in any canal or slip in said city and to collect the expense thereof from the captain, master, mate, owner, consignee or person in charge thereof.

Removal of
obstruc-
tions.

42. To control, regulate and protect the use of public sewers in said city.

Sewers.

Telephone
lines.

43. To license and regulate the operation of any telephone line or lines in and upon the streets of said city, and to fix an annual fee therefor.

Weights
and meas-
ures.

44. To regulate the inspection and sealing of weights and measures and enforcing the keeping and use of proper weights and measures within the city.

§ 40. The common council shall also have power by resolution:

Removal of
buildings,
etc., within
street line.

1. To require any building, fence, sign or other erection, which is or may be built, or placed within the line of any street, avenue or highway in the city, or over any sidewalk thereof, to be removed therefrom by the owner or occupant, and in case of neglect to so remove the same, to cause its removal at the expense of the owner or occupant.

2. To compel the owners or occupants of any wall or building ^{Unsafe buildings.} within the city, which may be insecure or unsafe, to render the same safe, or to take down or remove the same, and to prohibit such erections.

3. To require the immediate enforcement of any or all of the ^{Enforcement of ordinances, etc.} ordinances and regulations which may from time to time be adopted by the common council.

4. To determine and designate the route and grade of any ^{Railroad grade.} railroad within the city and to sanction and permit the track of any railroad to be laid in and along any street or public ^{Laying of tracks.} ground after the consent of abutting owners has been filed as required by this act.

§ 41. The common council shall by ordinance prohibit the running at large in any part of the city of cattle, horses, swine, ^{Running at large of animals.} sheep, goats, geese, ducks and fowls, and shall prescribe the penalty therefor, and authorize any person to impound any such animal found at large, and shall provide and maintain one public ^{Pound.} pound on each side of the Oswego river in said city.

§ 42. Where, by the provisions of this act, the common council have power to pass ordinances on any subject, they may prescribe any penalty, not exceeding fifty dollars fine, for a violation thereof; and where no penalty for violation of any such ordinance is fixed by said common council, any person violating any such ordinance shall be deemed guilty of a misdemeanor. ^{Penalties for violation of ordinances.}

§ 43. All ordinances of the common council shall be published ^{Publication of ordinances.} in the official papers daily one week, and every ordinance shall take effect at the expiration of ten days after the first publication thereof in the official papers. The clerk shall make and ^{Record of ordinances.} sign an entry or record, in a book to be provided for that purpose, of every ordinance enacted by the common council, of the time of the first publication thereof, and such original entry or record, ^{Evidence of ordinances.} or a copy thereof, certified by the mayor or city clerk under the city seal, shall be presumptive evidence in all courts and places of the due passage of such ordinance, of its having been duly published, and of the time of its first publication. The printed copy of the ordinances published under the direction of the common council, with the time of the first publication designated at the end of the respective sections, shall also be presumptive evidence of the above recited facts; and the printed copy of the ^{Printed copy of charter and ordinance.} charter published in like manner shall be like evidence to the

same extent as volumes of laws printed under the direction of the secretary of state.

Use and occupation of street, permits for, without consent, prohibited.

§ 44. The common council shall not have power and is hereby forbidden to grant permission to any person, company or corporation to lay or place in, upon or under, or encumber in any manner any of the streets, alleys or highways of the city with a railroad track, spur or branch, telegraph, telephone or electric light poles, wires, or other apparatus or appliances, or gas or water mains or pipes, or any other matter whatsoever, without and until the legal consent in writing, duly acknowledged, of at least one-half of the owners of abutting property shall first have been obtained and filed with the city clerk.

Bulletin board.

§ 45. The common council shall provide and maintain a suitable bulletin board in the rotunda of the city hall.

Power to borrow money and issue bonds.

§ 46. Whenever the common council shall approve a measure requiring the borrowing of money and the issue therefor of bonds of the city for any municipal purpose, for which there is no other adequate appropriation, it shall have power to borrow money upon the faith and credit of the city and to cause bonds to be issued therefor by the mayor and city chamberlain, under the seal of the city, payable at such time and bearing such interest as the common council shall determine. Provided that no such bonds shall be issued until the question of whether such issue shall be made shall first have been submitted to a vote of the taxpayers of the city, including females, as shall appear on the last preceding general assessment-rolls prior to the time of any special election ordered for that purpose, and a majority of such taxpayers voting at such election shall approve of such issue.

Submission of question to taxpayers.

Statement to be published before special election.

§ 47. At or before the time for ordering such a special election the common council shall cause to be published in the official papers, daily for two weeks, a statement showing the amount of bonds proposed to be issued, the time of payment, rate of interest, purpose for which the same are proposed to be issued and the plan and purpose of the proposed expenditure of the proceeds. The common council shall by ordinance direct the mode and manner of submitting such proposition to the taxpayers of said city at a special election. The determination of such election shall be canvassed by the common council at their next meeting after such special election and the result thereof declared according to the returns made on said election. If the proposition to

Manner of submission.

Determination of result.

issue such bonds shall be approved by a majority of the qualified voters voting at such election, the common council may then authorize the mayor and city chamberlain, under the seal of the city, to issue bonds in pursuance of and in conformity to and of the amount specified by the statement required to be published prior to such election as aforesaid. When so duly authorized the mayor and chamberlain shall issue said bonds according to said published statement and may sell the same after due advertisement for bids therefor as provided by this act. The proceeds of said bonds shall be deposited with the city chamberlain and shall be disbursed by him only upon order of the common council or department of the city having charge of the expenditure thereof, as proposed in the published statement above required, and shall be exclusively devoted to the purpose specified in such statement and to no other purpose. All bonds so issued shall recite on their face that they are issued in conformity to and in pursuance of this act, and that their issue has been duly approved by the taxpayers of the city as required by this act, and such recital shall be conclusive evidence in all courts and places of the validity of such bonds.

Issue of
bonds upon
approval.

Proceeds of
sale.

Recital on
bonds.

§ 48. Whenever any bonds of the city shall be issued for any purpose, the same shall not be sold, unless and until bids therefor have been advertised in the city official papers and two newspapers published in the city of New York, to be designated by the mayor, daily for at least ten days prior to the day of such sale. Such bonds shall be sold to the highest bidder, but the city shall reserve the right to reject any and all bids.

Sale of
bonds.

§ 49. The common council shall grant and pay the inspectors and poll clerks of all elections held in any ward of the city the same compensation allowed by law to like officers in towns for their services at general elections.

Compensation of inspectors and poll clerks.

§ 50. Where no other provision is made by this act, the mayor shall examine into the sufficiency of the sureties on any bond or instrument in writing required to be given to the city by any officer, licensee or other person and shall require such sureties to submit to an examination under oath as to their property. Such oath may be administered by the mayor and such examination shall be reduced to writing, signed and sworn to by the surety and filed with the bond or instrument to which it relates.

Sureties on bonds, examination as to.

Fines, dis-
position of

§ 51. All fines imposed by the recorder's court or court of special sessions in said city, for any penalty given by this act, or a breach or violation of any ordinance, by-law or police regulation, shall be paid to the chief of police and by him forthwith paid to the chamberlain for the benefit of the city. If such fine be paid after commitment, a written certificate of the chief of police shall be evidence of such payment, and authority to the officer having custody of the prisoner for his release.

Licenses,
mayor may
be author-
ized to
issue.

§ 52. The common council may authorize the mayor to license porters, butchers, cartmen, truckmen and the drivers of hackney carriages, baggage wagons and other vehicles, for hire, and may prescribe the terms and conditions on which the same may be granted and fix the fees to be paid therefor, which fees shall be forthwith paid to the city chamberlain by the officer receiving the same. Any such license may be revoked by the mayor for cause.

Oaths or
affidavits,
administer-
ing of.

§ 53. The mayor or the chairman of any committee or special committee of the common council shall have power to administer oaths or affidavits in respect to any matter pending before the council or such committee.

Vote on ex-
penditures
and local
improve-
ments.

§ 54. No motion or resolution or other action of the common council authorizing the expenditure of money or the making of local improvements or repairs, shall pass unless with the assent of a majority of all the members authorized to be elected to the common council. The ayes and nays shall be recorded on all such questions.

Official
news-
papers.

§ 55. The common council shall, annually, in the month of January, designate and appoint two official papers representing the two political parties which, at the general election, next preceding, cast the highest and next highest number of votes. The proceedings of the common council and of each of the departments of the city shall be regularly published as they occur in each of said official papers. All resolutions, ordinances, notices, statements or other matters, required to be published on behalf of the city or any department, board or authorized officer thereof, shall be published in said official papers. The common council shall, annually, at the time of designating and appointing such official papers, authorize the supply committee and the mayor to enter into uniform contracts with each of said official papers, specifying the amounts and rates to be paid for all the city official printing and publications dur-

Publica-
tions
therein.

Contract
for print-
ing and
publica-
tions.

ing the then current fiscal year; but no contract therefor shall be made, nor shall the city or common council or any department or board pay for any such printing or publication so required to be furnished a sum greater than four hundred dollars per year to each of said papers for printing the proceedings of the common council and the various departments and boards of said city; nor a greater rate for publishing the various resolutions, ordinances, notices, statements or other matters required or ordered to be printed than sixty cents per folio for each folio for the first insertion of any such matter, nor more than forty cents per folio for each subsequent insertion of any such matter. The above rates per folio shall apply to all matter set and published in form and type in which legal notices are set and published, in which type and form all publications shall be made except when otherwise specified in the order therefor. For any matter specified to be published in local column and in leaded form, in either of the official papers, no greater rate therefor shall be contracted for or paid as above provided than ten cents per line for an amount of matter up to one thousand lines and seven and one-half cents per line for all such matter in excess of one thousand lines in any fiscal year. And further provided that under said contract one of the said official papers shall each year on or before February first deliver to the city of Oswego two hundred and fifty copies of the proceedings of the common council for the last preceding fiscal year, in journal form, embracing all matters contained in the proceedings of said common council as printed from time to time during said year. Said journal shall be printed in double columns of at least seven inches in length and two and one-quarter inches in width, each column with appropriate margin and on paper to be specified in said contract, and the same shall be furnished by said official paper at a rate not exceeding one dollar and fifty cents per page of said journal.

Journal
proceedings
of
council.

§ 56. The said common council shall not have power to borrow, and are hereby expressly prohibited from borrowing any money on account of the city, except as herein provided, and except for the purpose of anticipating, as far as may be necessary, the receipt of the general annual tax. The said council shall not create any pecuniary obligation whatever on the part of the

Borrowing
money and
creating
debts, pro-
hibition as
to.

city which shall not be payable within the fiscal year in which such obligation was incurred, and which can not be discharged from the income of the same year; but this prohibition shall not affect the provisions of this act in regard to obligations for, or relating to, the expenditure of any sum raised by issuing bonds.

Contracts
for water
supply.

§ 57. The common council shall have power to enter into a contract with any person, company or corporation, for such term as it shall deem for the best interests of the city, to supply the city with water for public uses.

TITLE IV.

City Officers ; their Powers and Duties.

Mayor, his
term and
salary.

§ 58. The mayor.—The mayor shall be the chief executive officer of the corporation. He shall be elected by the electors of the city and hold his office for the term of two years. He shall receive an annual salary of five hundred dollars, which shall be in full compensation for all services performed by him. He shall keep regular office hours at the city hall on all days, except Sundays and legal holidays, not less than one hour each day, to be designated by him on taking office, at which time any person may transact with him any business pertaining to the duties of his office. It shall be his duty to see that all the city offices are kept open daily during office hours, and that the incumbents thereof are in attendance during said office hours, which shall be fixed by him with the concurrence of the common council.

Office
hours of
mayor and
city offi-
cers.

Duties of
mayor.

§ 59. It shall be his duty to see that within said city the laws of the State and of the city are faithfully executed, and to recommend to the common council such measures as he may think necessary or expedient. He shall be the supreme head of the fire and police department of the city, and shall have power to call out and command the police and fire departments whenever, in his discretion, he shall deem it necessary, and such commands shall in all respects be obeyed. He shall sign all deeds and contracts made and entered into by the city, and cause to be affixed thereto the city seal. It shall be his duty to communicate to the common council at its first meeting in January in each year, and oftener if he deem it expedient, a statement of the gen-

Head of
police and
fire depart-
ments.

Signing
papers.

Annual
message.

eral affairs of the city in relation to its finances, government and improvement, with such recommendations as he may deem proper; to exercise a constant supervision and control over the conduct of all subordinate officers, and to perform any and all the duties imposed on him by this act or by resolution, ordinance, regulation or by-laws of the common council. It shall be his duty generally to maintain the peace, good order and prosperity of the city.

General
duties.

§ 60. He shall have power and may call out the posse comitatus of the city in like cases, and in like manner as the governor or sheriff is authorized to do.

Power to
call out
posse.

§ 61. He shall have power to examine at all times books, vouchers and papers of any department, officer or employe of the city, and to summon and examine under oath any person connected therewith. He shall have power and may require any board or department of the city to furnish to him or the common council any information, data or report he or it may desire, and a neglect or failure to furnish the same shall be a misdemeanor on the part of the official or person neglecting or refusing so to do. He shall have power and may appoint one or more competent and disinterested persons, who, after taking the constitutional oath of office, shall constitute a committee to examine and report to him upon the affairs or proceedings of any board or department of said city. Such committee shall have power to issue subpoenas to any person or persons to appear before it to testify, or produce any exhibit, book or paper to the committee in any matter under its investigation. The service of such subpoena and the fees of such witnesses shall be the same as in the case of a trial of a civil action in a court of record, and such subpoena shall be enforceable in the same manner and with the same penalties. A subpoena, attested in the name of the committee by the chairman, shall be deemed the subpoena of the committee, and any member of the committee is authorized to administer the oath to the witness. It shall be the duty of the said committee to make said examination and report in writing to the mayor, with the evidence taken, without any unnecessary delay. The members of said committee shall receive a reasonable compensation for their services, which shall be determined by the mayor, and shall thereupon be paid by the common council.

Investiga-
tions by
mayor.

May ap-
point ex-
amination
commit-
tees.

Power of
commit-
tees.

Compensa-
tion of
members.

Succession
to office of
mayor.

§ 62. In the event of the death of the mayor, and until the vacancy caused thereby shall be filled by election, the following shall be the order of succession to such office: First, president of the department of works; second, president of the department of education; third, president of the department of fire and police; fourth, president of the department of charity; and a special election to fill a vacancy in the office of mayor shall be called as provided in this act and held without unnecessary delay.

Special
election.

Power of
removal by
mayor.

§ 63. The mayor shall have power to remove for cause any one appointed to office by him, after an opportunity has been given to said appointee to be heard. Cause for removal is hereby defined to be, among other things, disobedience of lawful orders, incapacity, incompetency, corruption in office, neglect of duty, intemperance, conviction of crime, and anything the mayor may deem prejudicial to the best interests of the city, or of any or either board or department thereof.

Duty as to
publication
of proceed-
ings.

§ 64. It shall be the duty of the mayor to see that the proceedings of each and every session of the common council and every board and department of the city be published in detail in the official papers.

Ex officio
member.

§ 65. The mayor shall be *ex officio* a member of each department of the said city, but without a vote.

Not to sign
orders
after term.

§ 66. The mayor is forbidden to sign any order drawn upon the city chamberlain or any other city official after the expiration of his term of office.

City cham-
berlain, his
appoint-
ment and
salary.

§ 67. The city chamberlain.—The city chamberlain shall be appointed by the mayor and hold his office until the end of the term of the mayor by whom he was appointed and until his successor is appointed and qualified. He shall receive a salary of two thousand dollars per year, payable in equal monthly installments, in full compensation for all services rendered by him and the clerks in his office. He shall perform the duties prescribed by this act, and such other duties properly pertaining to his office as the common council or the mayor may require. He shall be subject to the liabilities and obligations prescribed by law for town collectors, and shall have and possess all the powers and authority conferred by law on collectors of county taxes.

General
duties and
liabilities.

Chamber-
lain's bond
to city.

§ 68. Before entering upon the duties of his office, and annually thereafter on or before the first day of January, he shall give a bond to the city of Oswego in the penal sum of twenty-five

thousand dollars executed by a duly authorized surety company, incorporated under the laws of the State of New York, to be approved by the mayor, and conditioned that he shall faithfully, execute the duties of his office and account for and pay over all moneys received by him. The cost of premium, paid for that part of such bond which shall be in excess of the premium on five thousand dollars, shall be paid by the city. The said bond shall expire and the liability thereunder shall cease two years from the day of its filing with the city clerk, unless suit thereon shall be commenced within said period.

§ 69. Before any warrant for the collection of taxes that shall have been issued by the board of supervisors of the county of Oswego shall be delivered to the said city chamberlain, he shall execute an additional bond to the county of Oswego in the penal sum of fifty thousand dollars, with two or more sureties to be approved by the mayor, the chairman of the board of supervisors and the county judge, conditioned that he shall faithfully collect such taxes and pay over the same according to law; which bond the mayor shall, forthwith, after the same shall have been so approved, deliver to the clerk of the county of Oswego with such approval indorsed thereon. Such bond shall be duly recorded by the clerk as in the case of collectors of towns, and shall be a lien upon the real estate of said city chamberlain and of his sureties in the county of Oswego. Said bond shall continue and hold good without renewal until the expiration of the time allowed for the collection of said taxes, and any extension thereof, and until the moneys collected by virtue of said warrant or warrants shall have been paid over according to law. The form of said bond shall be in accordance with the above-named provisions. When the city chamberlain returns any warrant and settles with the county treasurer for the taxes collected thereunder, the county treasurer shall give the city chamberlain a satisfaction piece in writing duly acknowledged by him, which said satisfaction piece may be filed in the clerk's office of Oswego county, and shall satisfy of record and discharge the chamberlain's bond given for the tax authorized to be collected by said warrant. In case the city chamberlain shall refuse or neglect for ten days after being notified that the warrants for the collection of taxes are ready to be issued by the board of supervisors, to execute and deliver the bond herein last above required, such neglect or

Additional
bond for
collection
of taxes.

Satisfac-
tion piece
upon ac-
counting.

Failure to
execute
and deliver
bond.

refusal shall be immediately reported by the supervisors of the city, or some one of them, to the mayor, who shall thereupon declare the office of city chamberlain vacant and proceed forthwith to appoint a competent person to fill the vacancy.

Location of
office.

§ 70. The office of the city chamberlain shall be kept at the city hall, or in such place as shall be by resolution of the common council designated, in case a temporary removal shall be necessary, and shall be kept open on each day of the year (Sundays and legal holidays excepted) from nine o'clock in the forenoon until twelve-thirty o'clock at noon, and from two o'clock in the afternoon, until four o'clock in the afternoon, and at any such other times as the common council may direct. In case of the sickness or necessary absence of the city chamberlain, he may appoint a clerk who shall perform all his duties, and for whose acts the said chamberlain shall be liable. Upon his failure to appoint such clerk the mayor may make such appointment, with the same force and effect as though it were made by the city chamberlain.

Office
hours.

Clerk of
chamber-
lain.

Accounts
of receipts
expendi-
tures.

§ 71. The city chamberlain shall receive all moneys belonging to the city, and keep an accurate account of all receipts and expenditures. He shall keep separate accounts of all disbursements chargeable to the several funds created by this act, and shall credit the said funds respectively with all receipts by him belonging thereto. He shall also keep accounts of receipts and expenditures relating to any other subject matter local or otherwise, not included in said funds, as the common council may direct. All moneys (except as otherwise provided) shall be drawn from the treasury in pursuance of the order of the common council by warrants signed by the mayor or presiding officer of the council, and countersigned by the clerk. Such warrants shall specify for what purpose the amount stated therein is to be paid, and to what fund chargeable; and the city clerk shall keep an accurate account of all orders drawn on the treasury in a book to be provided for that purpose; and no warrant shall be delivered without the receipt therefor by the payee or his authorized agent entered in said book. The books and entries of the city chamberlain shall be open to the inspection of any elector of the city at all reasonable hours. The city chamberlain shall present to the common council annually, at the end of each fiscal year, a

Warrants
upon
treasury.

Account of
orders: re-
ceipts for
warrants.

Public in-
spection of
books.

Annual re-
port.

full account of all receipts and expenditures after the date of his last annual report, and also of the state of the treasury; which accounts shall be filed in the office of the clerk.

§ 72. It shall be the duty of the city chamberlain to receive all county, city and local taxes and assessments which may be paid at his office, and to retain there, and not elsewhere, the possession of the warrants and assessment-rolls which may, from time to time, be delivered to him by the supervisors or clerk of the city, and to give his individual attention to the duties of his office.

Duty of chamberlain as to taxes and assessments.

§ 73. He shall enter daily in suitable books all the items of money received by him for taxes or otherwise during that day, with the name of the person or corporation on whose account the same shall have been paid, and the wards for which such taxes are received, and shall at the expiration of each month, and as much oftener as required, exhibit the same, together with a trial-balance or balance-sheet taken therefrom, and made in duplicate, in his office, to the mayor and finance committee of the common council, for inspection, and it shall be the duty of the mayor and finance committee of the common council at the time or times specified to meet and examine the said books and balances. One copy of said balances shall be retained by the said chamberlain and kept on file in his office, and the other copy shall be taken by the said committee, and after their indorsing thereon the fact that they have examined it, they shall file it with the city clerk. He shall also enter in a column in the assessment-rolls in his possession, opposite the names of the persons or corporations who shall pay their taxes or assessments, the fact of payment and the day when paid. He shall also keep a record of all persons and their respective addresses, who may pay taxes for nonresidents of said city, and the addresses of such nonresidents, so far as he can ascertain the same.

Trial-balances.

Examination of books and balances.

Entries on assessment-roll.

Record of nonresident's taxes, etc.

§ 74. No city chamberlain hereafter appointed to said office shall be eligible to hold more than two successive terms of said office.

Ineligible for third term.

§ 75. The city chamberlain shall proceed without delay to enforce all the provisions of this act for the collection of unpaid taxes in his hands. He shall take possession of, and assert title to all property owned by the city of Oswego, by virtue of any tax sale or sales, as soon as said title becomes vested, by virtue of the provisions of this act.

Enforcement of collection of taxes.

Possession of property.

Payment of drafts and orders, when forbidden.

§ 76. The city chamberlain is hereby forbidden to pay any draft, or order drawn upon him, unless at the time such draft or order is presented there is a credit to the board or department drawing such draft or order sufficient to pay the same, nor shall the city chamberlain have credit for any such draft or order paid by him in violation of this provision, in the settlement of his accounts with the city. The board, department or officer violating any of the provisions of this section shall be guilty of a misdemeanor.

Misdemeanor.

Payment of notes, bonds and coupons.

§ 77. The city chamberlain shall pay at maturity, out of the city funds applicable thereto, all notes of the mayor and bonds and coupons of the city, legal in their inception, without an order from the common council, or any department, and any such note, bond or coupon so paid shall be a valid voucher in his hands.

Records of tax sales.

§ 78. The records of all sales of real estate for unpaid city taxes shall hereafter be kept and preserved in the office of the city chamberlain. The city chamberlain shall, upon request and payment of his fees therefor, make and certify official searches upon real and personal property, for unpaid city taxes, and shall charge and collect therefor a fee, at the rate of five cents for each year covered by said search, which said fee shall belong to the said city chamberlain. He and his bond shall alone be liable for any damages sustained by any aggrieved party by reason of the incorrectness of any such search. Every such search shall be certified under the official hand and seal of the said city chamberlain. The city chamberlain shall, at the expense of the city, provide and keep for use on all official documents requiring the official certificate of the city chamberlain, a seal to bear upon its face the following words: "City chamberlain's office. Seal. City of Oswego, New York." Such seal shall be the legal official seal of the city chamberlain of the city of Oswego, and shall be transmitted by each chamberlain to his successor in office, together with all the books, papers, documents and other paraphernalia belonging to said office.

Searches for unpaid taxes.

Official seal of chamberlain.

Assessment-rolls with warrants, delivery of, to chamberlain.

§ 79. The board of supervisors of the county of Oswego shall cause the corrected assessment-rolls of the city of Oswego to be delivered to the city chamberlain of said city according to law, to which a warrant, under the hands and seals of said

supervisors, or a majority of them, shall be annexed, commanding said city chamberlain to collect from the several persons named in the assessment-rolls the several sums mentioned in the last column opposite their respective names, and pay over the same in the manner directed in the warrant.

§ 80. Upon receiving any assessment-roll with the warrant attached, the city chamberlain shall give notice in the official papers of the city of its receipt by him, and all persons named in said assessment-roll are required to pay their taxes at his office. Notice to pay taxes.

§ 81. All persons and corporations named in any assessment-roll delivered by the board of supervisors of Oswego county to the city chamberlain of Oswego city are required to pay their taxes to the said city chamberlain on or before the thirty-first day of January next ensuing after publication of the notice of such delivery as by law required. Up to and including said thirty-first day of January any person or corporation may pay his, her or its county and State taxes to said city chamberlain without any fees added thereto. After the thirty-first day of January and up to and including the last day of February next following the date of such notice, three per centum fees shall be added to the tax and collected by him, and after the last day of February aforesaid five per centum fees shall be added to the tax and collected by him. Taxes, when payable to chamberlain.
Fees for collection.

§ 82. If any such tax shall remain unpaid on the first day of March after the delivery of the assessment-rolls and warrants, the city chamberlain shall cause a written or printed notice to be given to every person residing within the city from whom such tax may be due, specifying the amount and percentage of the tax, and requiring the same to be paid on or before the thirty-first day of March of the same year at his office. Such notices shall be served on the persons assessed by depositing the same in the Oswego post-office inclosed in envelopes and directed to the persons assessed, respectively, at Oswego, New York, paying the postage thereon. If any of the persons assessed shall be known by the said city chamberlain to reside in any other place, the notice shall be directed to such other place of residence. It shall not be necessary to make any other demand of payment of said taxes. Notices to unpaid of taxes.

**Additional
fee.**

§ 83. From the thirty-first day of March the fees to be added to the taxes then uncollected shall be at the rate of twelve per centum per annum in addition to five per centum aforesaid; and it then shall be the duty of the said city chamberlain to proceed without delay to issue his warrant, under his hand and the seal of the city to any constable or policeman of the city, or to as many of them as he may deem necessary, commanding said officer or officers to levy the tax and fees by distress and sale of the goods and chattels of the person or corporation upon whose real or personal property such tax was apportioned according to the said assessment and tax-rolls, or of any goods or chattels in his, her or its possession, wheresoever the same may be found in the city of Oswego or county of Oswego, and to pay the same to the said city chamberlain and return such warrant within thirty days after the date thereof; and no claim of property made to such goods and chattels shall be available to prevent the sale thereof except in such cases as are provided by the general statutes of the State.

**Issue of
warrants
for collec-
tion by dis-
tress and
sale.**

**Collection
fee.**

§ 84. The fees allowed to any constable or policeman for the collection of any tax and the fees and expenses thereon, by distress and sale by virtue of a warrant issued by the city chamberlain, shall be ten cents for every dollar collected up to fifty dollars, and five cents for every dollar collected over fifty dollars. The said constable or policeman shall give public notice of the time and place of the sale, and of the property to be sold, at least five days previous to the sale, by a notice to be posted in at least three public places in the ward where such sale shall be made. The sale shall be made by public auction. If the property shall be sold for more than the amount of the tax and fees and the costs of such distress and sale, the surplus shall be returned to the person entitled thereto by the constable or policeman making such sale. If the property shall be sold for less than the amount of the tax and fees and the costs of such distress and sale, the constable or policeman shall make a return to that effect to the city chamberlain specifying the amount of such deficiency, and said deficiency shall remain a lien upon the land, and may be collected by a sale thereof in like manner as if said deficiency was the amount for which the tax was originally levied. After the return of any warrant for the collection of any tax and fees wholly or partly paid, the city chamberlain, if he deem it expedi-

**Sale of
property.**

**Return of
surplus.**

**Return of
defi-
ciency.**

**Issue of
subse-
quent war-
rants.**

ent, or if so directed by the common council, may issue a second or subsequent warrant for the taxes still remaining unpaid, with said percentage, interest and fees.

§ 85. No warrant for the collection of any tax or fees shall be delivered to any constable or policeman until he shall have executed and deposited with the city chamberlain a bond to the city of Oswego in a penal sum to be fixed by the mayor, with two or more sureties, to be approved by the mayor and acknowledged in the manner required for the recording of conveyances of real estate, and conditioned for the faithful performance of his duties as collector of the taxes and fees specified in such warrant and for the faithful accounting and paying over to the city chamberlain of all moneys that he may collect or receive under such warrant. The city chamberlain, immediately after receiving the bond of any constable or policeman, shall file and record the same in the office of the clerk of Oswego county, and the same shall be a lien upon the real estate of any person executing the same situate in said county. When any constable or policeman shall return to the city chamberlain any warrant issued to him for the collection of any tax, and shall settle with the city chamberlain for the taxes collected thereunder, the city chamberlain shall give such constable or policeman a satisfaction piece in writing duly acknowledged, which said satisfaction piece may be filed in the clerk's office of Oswego county, and shall satisfy of record and discharge the bond given by said constable or policeman for the collection of said tax.

Bonds of constable or policeman as collector.

Filing of same.

Satisfaction piece upon settlement for taxes.

§ 86. If any such constable or policeman shall fail to return any warrant issued to him for the collection of any tax and fees as therein required, or shall fail to pay over to said chamberlain all moneys collected or received by him within twenty-four hours after its collection or receipt, or shall fail to render a full and true account thereof, the supreme court or any justice thereof, on the application of the city chamberlain of the city of Oswego, shall have jurisdiction, on proof by affidavit or otherwise, summarily to enforce such return, payment or accounting, or all, as the case may be, by attachment and proceedings thereon in the same manner as if such constable or policeman was a sheriff or officer of that court. The fees of such constable or policeman shall be estimated only on the moneys collected by him, and where several sums are assessed to the same person or corpora-

Proceedings upon failure to make return or accounting.

Fees for collection by distress or sale.

tion on the same assessment-roll, such sum shall be deemed to be one tax for the purpose of estimating the fees for the collection thereof by distress and sale.

Delivery of
roll and re-
turn to
treasurer.

§ 87. The city chamberlain shall deposit with the county treasurer of Oswego county all assessment-rolls received by him from the board of supervisors with warrants attached, together with a return of all taxes thereon remaining unpaid, in the same manner as now required by law of the collector of taxes in towns, and all lands upon which said State and county taxes shall be so returned as unpaid shall be liable to be sold for the taxes thereon, as provided by chapter three hundred and twenty-two of the laws of eighteen hundred and eighty-two and all acts amendatory thereof.

Sale of
land for un-
paid taxes.

Duplicate
roll
entries
upon, etc.

§ 88. The city chamberlain, before delivering said assessment-rolls to the county treasurer, shall compare the same with the duplicate of said rolls in his office, and make the same entries as to payments on said duplicate rolls as upon the original rolls, so to be delivered to the county treasurer, so that the duplicate copy shall be an exact copy of the rolls returned by him to the county treasurer. He shall then write upon said duplicate rolls a certificate that he has compared the same with the original filed by him in the county treasurer's office, and that the same is a true copy of the said original and of every part thereof, and he shall thereafter at all times retain said duplicate rolls on file in his office.

Payment
over of
State and
county
taxes.

§ 89. The city chamberlain shall pay over all moneys collected by him for State and county taxes by virtue of any warrant issued to him by the board of supervisors of Oswego county upon each Monday after the receipt by him of any such warrant, as directed in said warrant, taking duplicate receipts therefor, which said receipts shall be applied and allowed by the said county treasurer for their respective amounts in his final settlement with the city chamberlain.

Interest on
deposits.

§ 90. The interest on all moneys deposited in bank by the city chamberlain, if any be allowed by such bank, shall belong to the city of Oswego.

Banks on
deposit.

§ 91. The common council shall annually designate an incorporated bank or banks as the depository or depositories of the public moneys. It shall be the duty of the city chamberlain to deposit in said bank or banks all moneys received by him as

such city chamberlain, except the moneys collected by him for the State and county taxes by virtue of a warrant issued by the board of supervisors, within forty-eight hours after its receipt. Such moneys shall be drawn from said bank or banks only upon the check of the city chamberlain, and said check, countersigned by the mayor, clerk or president of the department for the payment of whose order it is drawn, shall be payable to the order of the person or persons entitled to receive the money thereon.

Deposit of
moneys
therein.

Moneys,
how drawn
out.

§ 92. The city chamberlain shall make sales of lands for unpaid local assessments, including assessments for sidewalks and other assessments when not exceeding twenty dollars in amount, in the manner provided in this act, twice in each year. Once at the same time with the general tax sale, and again six months thereafter.

Sale of
lands for
unpaid
assess-
ments.

§ 93. The city chamberlain is hereby prohibited from indorsing city orders in any way to make them draw interest.

Interest on
orders.

§ 94. The city clerk.—The city clerk shall be appointed by the mayor, and hold his office until the end of the term of the mayor by whom he was appointed, and until his successor is appointed and qualified. He shall receive a salary of twelve hundred dollars per annum, payable monthly, which said sum shall be in full for all services rendered by him to the city of Oswego, or to any of its departments. No person shall be eligible to hold the office of city clerk unless he shall be a competent accountant and book-keeper.

City clerk,
appoint-
ment,
terms, etc.

§ 95. It shall be the duty of the city clerk in all cases to preserve and file the original minutes of any and all of the proceedings of the common council in the city archives, and the copies of all papers, proceedings or records required to be published in the official papers shall be read and compared by him with the originals thereof, and the said originals shall be preserved and filed by him in the city archives. The city clerk shall, in addition to the duties in this act required of him, keep all papers belonging to said city, and make a record of the proceedings of the common council.

Duty as to
original
minutes
and papers,
etc.

§ 96. Copies of all instruments, maps, and all other papers on file in his office, and transcripts from the records of the proceedings of the common council, certified by him to be true copies of the originals, shall be evidence in all courts and places in like manner as if the originals were produced and proven. He shall

Copies cer-
tified by
clerk evi-
dence,

**Ex officio
commissioner of
deeds.**

have the custody of the corporate seal. He shall be ex officio a commissioner of deeds of the city, and as such shall have power to administer oaths and affirmations, and take the proof of acknowledgment of the execution of any conveyance or instrument in writing. He shall keep, in proper books to be provided for that purpose, the accounts of the city, distinguished under appropriate heads. He shall keep a separate account of each fund provided by this act, showing receipts and disbursements in detail, and of all other funds and money transactions in which the city is interested, and report the condition of the same, respectively, from time to time to the common council as they may direct.

**Accounts
to be kept.**

**Quarterly
reports of
clerk.**

§ 97. He shall quarterly, as of the first days of April, July, October and January, publish in the official papers, as a part of the common council proceedings, a statement in detail of all the receipts and expenditures of the common council and of the several departments for the three months preceding, and shall also publish an annual statement, as of January first, giving in detail the receipts and expenditures of said city for the preceding year, and of the indebtedness and resources of the city.

**Annual
statement.**

**Licenses,
attestations and
countersigning of.**

§ 98. He shall attest all licenses of every description granted or issued by the mayor or any other officer thereunto authorized, and no such license shall be valid unless so attested. Any such license so issued and attested, shall be countersigned by the city chamberlain, and the fee for said license, as prescribed by this act, shall be paid to the city chamberlain at the time of his countersigning the same. It shall be unlawful for the city clerk to demand or receive any such fee, and his so doing shall be cause for his removal. A record of all such licenses, numbered consecutively, shall be kept by the city clerk and the city chamberlain in their respective offices, and the city chamberlain shall furnish the chief of police with the name of every person to whom a license is so granted, with the number and nature thereof, as soon as the same is issued.

Fee.

**Record of
licenses.**

**Notice to
chief of
police.**

**List of
assessors,
etc., for
supervisors.**

**General
duties.**

§ 99. The city clerk shall annually, on or before the first day of October, certify and deliver to one of the city supervisors, a list containing the names of the assessors and the name of the city chamberlain of the city, to be laid before the board of supervisors. He shall also perform such other duties as the common council may assign.

§ 100. He shall also be clerk of the board of excise of the city of Oswego, and shall perform all the duties of that office without any extra compensation therefor. All fees or commissions charged for or received by him acting as clerk of the board of excise, or in any other capacity, shall belong to the city of Oswego, and as soon as collected shall be paid to the city chamberlain by the officer or person collecting the same.

Clerk of board of excise.

§ 101. The office of the city clerk is hereby declared a town office for the purpose of depositing and filing therein all books and papers required by law to be filed in a town clerk's office in said city; and with regard to such books and papers he shall possess the powers and perform the duties of a town clerk. All books, records, papers, documents and other things which have been transferred to said office from the offices of the town clerks of the towns of Oswego and Scriba, in pursuance of section eleven of title four of chapter one hundred and sixteen of the laws of eighteen hundred and forty-eight, shall remain and continue therein; and all books, papers and records appertaining to the recorder's court of the city of Oswego, and heretofore required to be filed with or kept by the clerk thereof, shall remain in the said city clerk's office.

Office declared a town office.

Certain records to remain in office.

§ 102. The city attorney.—The city attorney shall be appointed by the mayor and shall hold his office until the end of the term of the mayor by whom he was appointed, and until his successor is appointed and qualified. He shall receive a salary of twelve hundred dollars per annum, payable monthly, which said sum shall be in full of all services rendered by him to the city of Oswego, or to any department thereof. No person shall be eligible to the office of city attorney unless he shall be of the degree of counselor of the supreme court of the State of New York, and a member of the bar of Oswego county of at least five years active practice. It shall be his duty to prosecute and defend all civil actions and proceedings, by and against the said city, and every department thereof, and to perform such other professional services relating to said city as the mayor or common council shall direct. No action shall be commenced by the city attorney unless directed by the mayor or common council.

City attorney, appointment, term, etc.

Eligibility to office.

Duties.

§ 103. The city attorney shall be the sole attorney and counselor of the city and of its various boards and departments, including the excise board, and the board of assessors and the city

Attorney for boards and departments.

chamberlain. If the city attorney certifies to the common council that he needs the assistance of other counsel on any question submitted to him, the common council may authorize him to employ counsel thereon. The charge of counsel in such case shall be certified as reasonable by the city attorney and by a justice of the supreme court, after due examination thereof, before the same is audited and paid.

Counsel for city attorney.

Prosecution of violations of ordinances.

§ 104. It shall also be the duty of the city attorney to prosecute all cases of violation of city ordinances that come before the recorder, but other counsel may be employed therein by the complainant.

Costs in suits.

§ 105. All costs in litigated cases, wherein the city is successful, shall belong to the city, and when collected shall be paid into the treasury and credited to and form a part of the contingent fund of the city.

Record of suits, etc.

§ 106. The city attorney shall keep a record or register of all suits and proceedings which, as city attorney, he shall have in charge. He shall have power to authorize any attorney to appear for him, in case of his absence or sickness, for and in behalf of the city, in any suit or proceeding, but which is to be done at the expense of the city attorney. He shall, when required, prepare all legal papers, contracts, deeds and other instruments for the city and the different departments thereof, and also attend the meetings of the common council, when requested. He shall when desired by the common council attend to all proceedings under this act in relation to improvements, local or otherwise, and conduct the same in a legal manner, and shall perform such other duties as the common council may prescribe.

Appearances for attorney.

Preparation of papers, etc.

Duty, in proceedings for improvements.

Delivery of papers etc., to successor.

Stipulations substituting successor.

Disbursements and expenses of attorney.

§ 107. The city attorney shall, at the expiration of his term of office, hand and deliver over to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party, and also all papers on the part of the city therein, and also sign stipulations substituting such successor as attorney for the city in such suits or proceedings, to the end that a suitable order may be entered making such substitution.

§ 108. The common council shall pay said attorney all disbursements or expenses which said attorney may incur in behalf of the city and which may be made under the directions of the common council or mayor, and for any suitable book for a record or

register in which he shall enter the proceedings as hereinbefore prescribed.

§ 109. Any attorney not being at the time city attorney, who is ^{Ineligibility to office.} prosecuting or defending any suit or proceeding in which the city is a party, shall be ineligible to the office of city attorney.

§ 110. The city engineer —The city engineer shall be appointed ^{City engineer.} by the mayor and hold his office until the expiration of the term of the mayor by whom he was appointed, and until his successor is appointed and qualified. He shall receive a salary to be fixed ^{Salary.} by the common council of not less than eight hundred nor more than one thousand dollars per annum, payable monthly, which said sum shall be in full for all services rendered by him to the city of Oswego, or to any department thereof, exclusive of his necessary disbursements for help and material required in official surveys. No person shall be appointed to said office unless he possess the qualifications of a civil engineer. He shall keep his office in the city hall, and said office shall be kept open daily ^{Office and business hours.} (except Sundays and legal holidays) from nine o'clock in the forenoon until four o'clock in the afternoon, except when he is engaged in field work. He shall perform all such services for the city as properly come under the direction of a civil engineer and surveyor, and he shall be consulted on all important matters relating to public improvements of every kind, where the advice of a civil engineer would be of service. He shall perform such other duties pertaining to civil engineering and surveying, and be subject to such liabilities as shall be prescribed by the common council and department of works in addition to all other duties and liabilities imposed by this act. ^{Powers and duties}

§ 111. Constables.—Two constables shall be elected by the ^{Constables, election and terms of.} electors of the city at each city election, beginning with said election in eighteen hundred and ninety-five, and the term of office shall be two years. The constables first elected shall take office on the first day of January, eighteen hundred and ninety-six, from and after which date there shall be but two constables in and for the city of Oswego. The said constables shall perform such duties as are by law prescribed for constables in towns and ^{Duties.} counties in the State, and shall be entitled to the same fees therefor. The said constables shall not as such be compelled to serve within the city of Oswego any summons, warrant or other process

Not com-
pelled to
serve cer-
tain pro-
cess.

issued by the recorder as police justice of said city or by any justice of the peace of said city for the execution of the laws of the State for the prevention of crime and the punishment of criminal offenders, or of the police laws or regulations of the State, or of the said city, or in any proceeding collateral to or connected with the execution of such general laws, or police laws or regulations, nor shall the county of Oswego or any of the towns therein, or the city of Oswego, be liable to pay any such constables any fees for services under such paper or process.

County not
liable for
fees.

Janitor of
city hall.

§ 112 Janitor of the city hall.—The janitor of the city hall shall be appointed by the mayor and hold his office until the end of the term of the mayor by whom he was appointed, and until his successor is appointed and qualified. He shall receive a salary at the rate of five hundred dollars per year, payable monthly, on the order of the common council, which sum shall be in full for all services rendered by him to the city of Oswego in any capacity. He shall have the care and custody of the city hall and shall perform such other services for the city as the common council or mayor may require.

Sealer of
weights
and meas-
ures.

§ 113. Sealer of weights and measures.—One sealer of weights and measures shall be appointed by the mayor and hold his office until the end of the term of the mayor by whom he was appointed, and until his successor is appointed and qualified. It shall be his duty to inspect and examine weights, measures, scale beams, measures of extension with weighing apparatus in said city, and he shall at such times possess like powers and be subject to like obligations as the sealers of the several towns of this State. The common council shall prescribe his fees for such services where the same are not already fixed by law.

Pound
keeper.

§ 114. Pound keepers.—Two pound keepers shall be appointed by the mayor and hold office until the end of the term of the mayor by whom they were appointed and until their successors are appointed and qualified. They shall have charge of the city pounds and perform the duties imposed upon them by this act and by the city ordinances.

Aldermen.

§ 115. Aldermen.—One alderman shall be elected from each ward at each general city election, and the term of office shall be two years.

§ 116. Supervisors.—One supervisor shall be elected from each ward at each general city election, and the term of office shall be two years and shall begin on the first Tuesday of March succeeding his election. He shall be a member of the board of supervisors of the county of Oswego, and shall possess the same powers and perform the same duties and be subject to the same obligations as supervisors of any town in the county of Oswego, except as otherwise provided in this act, and receive the same compensation. ^{Supervisors.}

§ 117. Every officer appointed by the mayor shall receive a proper warrant or commission, under the city seal. ^{Commission.}

TITLE V.

The Departments.

§ 118. The administrative power of said corporation shall be vested in the mayor, the departments hereinafter named, and such other officers as shall from time to time be created by law or appointed by virtue of this act. ^{Administrative powers.}

§ 119. There shall be the following departments: ^{Departments.}

1. Department of works.
2. Department of education.
3. Department of fire and police.
4. Department of charity.
5. Department of assessments.

§ 120. Each department shall hold its meetings at the city hall, and all such meetings shall be open to the public, except when in executive session. ^{Meetings.}

§ 121. Each department of said city, except the department of assessments, shall, on or before the first day of May in each year, estimate and certify to the common council the amount needed for each fund under its control by such department to defray the expenses of the current fiscal year, stating in detail the amount required for each fund separately. The common council shall direct and cause to be raised as part of the tax levy of that year for the use of each department, subject to the limitations of this act, the sum or sums so certified which shall be the amount of each of such funds for said year. ^{Annual estimate of expense.}

§ 122. It shall be the duty of each department to report to the common council quarterly, on the first days of January, April, July and October, all the receipts and expenditures of said department for the preceding three months, and the bills audited ^{Quarterly report.}

therefor, in detail, which said reports shall be published in the official papers with the proceedings of the common council. Each department shall also make an annual report to the common council on the first day of January, showing, in detail, all its receipts and expenditures for the preceding fiscal year, which said annual report, together with the annual report of the city chamberlain, to be made as required by this act, shall be published in the official papers by the city clerk.

Annual
report.

Hearing
before
council.

§ 123. Each department shall, upon request, be heard by the common council, upon any matter pending before the common council affecting such department.

Anticipa-
tion of
taxes.

§ 124. Whenever it shall be necessary for any department to anticipate the receipts from the tax levy for the current year to defray its lawful expenses, it may certify the fact to the common council in writing, stating the amount needed and for what fund, and the common council shall thereupon authorize the mayor's note to be issued therefor to said department, subject to the limitations contained in this act. The proceeds of any such note so issued shall be credited by the chamberlain to the appropriate fund belonging to said department, and the interest and discount on said note shall be charged to said department as a part of its expenses. Any such note shall be paid from the proceeds of the tax levy of the fiscal year in which it was given, and from the moneys belonging to the fund for which such note was issued, with the exceptions hereinafter specified for the department of charity.

Issue of
mayor's
note.

Payment of
notes.

Increases
of fund

§ 125. Whenever, in the judgment of any department, the public welfare requires that any fund or funds subject to its control should be increased in amount, the said department shall certify the fact to the common council, giving its reasons for the necessity of such increase, and the amount of increase required. The common council may thereupon order a special election to submit to the taxpayers of the city the question whether the amount of such increase shall be granted or not. Such special election shall be held in the same manner as a special election to determine whether bonds of the city shall be issued for municipal purposes, as provided in this act. If, at such special election, a majority of the taxpayers voting shall vote in favor of increasing the said fund or funds, thereafter the said fund or funds shall be increased by such amount, but otherwise shall remain as fixed by this act.

Special
election for
submission
of ques-
tions.

Increase
upon fa-
vorable vote.

§ 126. It shall be the duty of each department to give the mayor due and ample notice of each meeting of said department, in time for him to attend the same. ^{Notice of meetings.}

TITLE VI

Department of Works.

§ 127. There shall be four commissioners of works of said city, who shall be appointed by the mayor and shall constitute the department of works, which department shall be bipartisan, and composed of two commissioners of works from each of the two political parties of the State, which at the last general election cast the highest and the next highest number of votes. In January, eighteen hundred and ninety-six, the mayor shall appoint one commissioner of works for the term of three years, to fill the vacancy then existing. In April, eighteen hundred and ninety-six, the mayor shall appoint one commissioner of works, to fill the vacancy then existing, for a term ending December thirty-first, eighteen hundred and ninety-nine. In April, eighteen hundred and ninety-seven, the mayor shall appoint one commissioner of works, to fill the vacancy then existing, for a term ending December thirty-first, nineteen hundred; and in April, eighteen hundred and ninety-eight, the mayor shall appoint one commissioner of works, to fill the vacancy then existing, for a term ending December thirty-first, nineteen hundred and one. Thereafter one commissioner of works shall be appointed by the mayor, in January of each year, for the term of four years, from the first day of January in the year of his appointment. The commissioners of public works in office at the time of the passage of this act, shall continue in office as commissioners of works until the expiration of their respective terms. ^{Appointments and terms.} ^{Commissioners of works.} ^{Commissioners continued.}

§ 128. A vacancy in the office of commissioner of works shall be filled by appointment by the mayor for the unexpired term from the same political party as the commissioner whom he succeeds, and shall serve without compensation. ^{Vacancies.}

§ 129. The said commissioners may be removed by the mayor for official or other misconduct, upon proof, but not otherwise. Such commissioner shall be furnished with a copy of the charges preferred, and an opportunity be given for a defense thereof. ^{Removal for cause.}

Control of
streets, etc.

§ 130. The department of works shall have control of the construction, improvement, repair and cleansing of the streets, highways, alleys, avenues, sewers, culverts, sidewalks, crosswalks, parks, city hall grounds, pumps, drinking fountains, wharves and bridges; of the erection of lamps, lamp-posts and fixtures, of the lighting of the city, and all buildings and rooms owned or used by the city of Oswego; of the purchase of supplies and materials for all the foregoing purposes, and it shall have control of the expenditure of the funds for such purposes.

Purchase of
supplies,
etc.

President
of depart-
ment.

§ 131. In January of each year the said commissioners shall select one from their own number who shall be president of the department.

Clerk.

§ 132. They shall employ a clerk, at a salary to be fixed by said department, not exceeding six hundred dollars per year, whose duty it shall be to keep regular and full books of account of all the transactions and proceedings of said department, and an accurate record of each fund subject to its warrants, showing at all times the amount of warrants drawn against each fund separately, and the balances unexpended, and he shall perform such other duties as the department may assign him. He shall hold office at the pleasure of the said department. The books and accounts of the department shall be open to the inspection of any elector of the city, at all reasonable hours.

Inspection
of books,
etc.

Rooms for
depart-
ment.

§ 133. The common council shall provide suitable rooms in the city hall for the meetings of said department and for the transaction of its business, which meetings shall be held as provided by the rules of said department, or upon the call of the president of the department or of a majority of the members thereof, and the attendance of three commissioners shall be necessary to constitute a quorum.

Meetings.

Quorum.

Warrants
for pay-
ment of
claims.

§ 134. The department of works shall pay all claims and demands duly audited by it only by warrants on the city chamberlain against funds in his hands subject to the drafts of such department, signed by its president and countersigned by its clerk; every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon, except that the department of works is authorized to issue warrants as above provided to the order of its president or clerk for the amount of any single pay-roll for work or labor performed under direction of said department, provided that before such warrant or

For pay-
rolls.

warrants shall be drawn for the amount of any such pay-roll the said roll or rolls shall be duly verified under oath, attached thereto, by the superintendent of works or his assistant or deputy having knowledge of the facts set forth in any such pay-roll, and every such pay-roll shall contain the name of each person employed, the time of service, the rate per diem or otherwise to be paid, and the total amount due to each such person. All such pay-rolls shall be filed in the office of the city chamberlain within ten days from the payment of the warrant drawn therefor, and such officer shall at all times keep and retain the same in his office. Filing of pay-rolls.

§ 135. The amount of the highway fund raised by the common council in any year shall not exceed the sum of twenty-one thousand dollars, and shall not be less than that sum unless the said department shall certify to the common council that a less sum will be sufficient, in which case the sum so certified, and no more, shall be raised by the common council for the highway fund. The department of works may, in the year eighteen hundred and ninety-five or in eighteen hundred and ninety-six, add to their estimate of the amount required for the highway fund the further sum of three thousand dollars, or so much thereof as may be necessary, to be expended only for the purchase of mechanical appliances for use in making public improvements, and such requisition when made shall specify the appliances to be purchased and the cost thereof. Limitation of highway fund. Addition to estimate of 1896.

§ 136. The said department shall determine the amount of the public light fund each year by estimating the amount required for the fiscal year for lighting the streets, alleys and avenues of the city and the public buildings owned or occupied by the city or any of its departments. The sum so determined shall be the amount of the public light fund for said year. Estimate for public light fund.

§ 137. The said department shall determine the amount of the sidewalk fund each year by estimating the probable expenses for said year for constructing, relaying and repairing sidewalks in anticipation of the local assessments to be made therefor, which amount shall not exceed the limit prescribed by this act. Estimate for sidewalk fund.

§ 138. The department of works shall have credit with the city chamberlain for the amount of the sidewalk fund on the first day of April in each year, and may draw their orders against said fund at any time after that date. The amount so credited Credit of sidewalk fund to department.

to the sidewalk fund shall be borrowed from the contingent fund and repaid to the contingent fund on or before the fifth day of October in each year from the moneys collected by tax that year for the sidewalk fund. All moneys collected by local assessment for sidewalks shall be paid to the city chamberlain to the credit of the contingent fund.

Credit of
funds and
accounts.

§ 139. The moneys raised by the common council for the three funds aforesaid shall be placed by the city chamberlain to the credit of said department, the account of each fund to be kept distinct, and the said department is hereby forbidden to use the moneys belonging to either fund except for the purposes for which said fund was raised.

Diversion of
funds pro-
hibited.

Control of
public im-
provements.

§ 140. The department of works shall have sole charge, control and jurisdiction over all public improvements, including the ordering of the same, the expense of which, or any part thereof, shall be a charge against the funds of the city under its control, and shall have power and shall determine the proportion of the cost of any local improvement which shall be subject to local assessment, and the proportion thereof not exceeding one-half, which shall be paid from the highway fund or other appropriate fund subject to its control.

Apportion-
ment of
cost.

Notice of
local im-
provement
and hearing
thereon.

§ 141. Before ordering any local improvement subject to local assessment, the department of works shall give public notice that application has been made to it for such local improvement, or that it proposes to order the same by publication for five days in the official papers, fixing a day after the last publication of said notice for hearing objections to such improvement, which notice shall state the proportion thereof to be charged against the property benefited and the proportion thereof to be borne by the department. On the day fixed for such hearing persons interested in such improvement may appear before said department and present objections thereto.

Ordering
and certi-
fying im-
provements
by depart-
ment.

§ 142. If the department shall finally determine, notwithstanding objections, to order such improvement, they shall make an order accordingly, which shall be entered at length in their proceedings, stating the cost thereof and the proportion of such local improvement to be borne by local assessment, and giving a general description of the proposed improvement, and shall cause the same to be certified to the common council. Upon presen-

lation to the common council of such certified order it shall be the duty of said council, and it shall order such improvement to be made by the department of works, and shall order the local assessment to be made therefor as proposed by said department of works and certified to said council. The board of local assessors shall thereupon proceed to make such local assessment as by this act prescribed.

Council
order im-
provement
and assess-
ment.

Duty of
assessors.

§ 143. The said department may, at any time after the assessment for any local improvement is confirmed by the common council, commence the work on such proposed improvements. Said assessment when finally made shall be confirmed by the common council, which confirmation shall be presumptive evidence of the regularity of all proceedings taken thereon.

Commence-
ment of
work.

Confirma-
tion of
assessment

§ 144. The department of works shall appoint a superintendent of works, who shall be a resident of said city, and shall hold his office at its pleasure, and shall receive a salary not exceeding the rate of eight hundred dollars per annum, to be fixed by the said department and paid from the highway fund. It shall be his duty to superintend under the general direction of the department all work to be done or ordered to be done upon or in relation to any and all matters under the control of said department, and to perform, under the direction of said department, such other duties as it shall prescribe, as well as all duties imposed by this act.

Superin-
tendent of
works.

Duties

§ 145. The harbor master.—The harbor master shall be appointed by the mayor during the month of January following the mayor's election, and hold such office until the end of the term of the mayor by whom he was appointed and until his successor is appointed and qualified. He shall be under the sole direction of the department of works and shall perform all duties pertaining to the harbor, and the care and regulation thereof required by this act or by the city ordinances, or by the direction of the said department of works. He shall report monthly in writing to the department of works all sums received by him as fees, dues or rents, together with all sums due the city therefor unpaid, and from whom the same are due; he shall pay over, every forty-eight hours, to the city chamberlain to the credit of the highway fund, any and all sums collected by him. The department of works shall fix his salary at not less than two

Harbor
master.

Duties.

Salary.

hundred dollars per year nor more than five hundred dollars per year, which shall be paid him by the department of works out of the highway fund.

**Jurisdiction
over side-
walk im-
prove-
ments.**

§ 146. The department of works shall have jurisdiction, without petition, request or consent, to require the owners of property fronting upon any street, highway, alley or public place to make, construct, relay, repair and keep in order the sidewalks in front of said property. Whenever the said department shall deem it necessary that any existing sidewalk be relaid or new sidewalk constructed, they shall require a notice to be served upon the owner of the premises in front of which said sidewalk is to be relaid or constructed, requiring him to relay or construct the said sidewalk, as the case may be, within two weeks after the service of such notice; and in case a new sidewalk shall be required to be constructed, the department shall prescribe, and the notice shall specify the width and thickness of such sidewalk and the material of which it is to be constructed. Such notice shall be served

**Notice to
relay or
construct
sidewalks.**

**Service of
notices.**

upon each owner personally or by leaving the same at his residence with some person of suitable age and discretion, if he be a resident of the city; but if he reside elsewhere, such notice may be served on his agent or other person having the property in charge or upon the occupant or by depositing the same in the post-office, postage prepaid, properly directed to such owner at his last known place of residence. If there be two or more owners of any one piece of property, service upon any one of them shall be sufficient. In case such notice shall be served by mail, the owner shall have twenty days from the mailing thereof in which to comply with its requirements. It shall be the duty of the superintendent of works to serve in person, without unnecessary delay, the notices specified in this section. If the superintendent of works is unable to serve the said notices by reason of sickness or necessary absence from the city or any other cause, it shall be the duty of the clerk of the department of works to make the service as aforesaid, and neither of said officers shall receive any additional compensation therefor. It shall be the duty of the clerk of the department to prepare all notices required by this section and to keep a record thereof. Proof by affidavit of the service of said notices upon each of said owners, agents or occupants shall be made by the person serving the same, and filed in the office of

the department of works. In case any owner shall neglect or refuse to relay or construct such sidewalk within the time limited therefor, the said department shall have authority to relay or construct the same, and the work shall be done by the superintendent of works upon the order of the department. Upon the certificate of the superintendent of works that the work of constructing or relaying any sidewalk has been completed, together with the cost of the same, the common council shall cause the expense thereof to be assessed and collected in the same manner as other local assessments.

Department may cause work done.

Assessment of expense.

§ 147. It shall in all cases be the duty of the owner of every lot or piece of land in said city to keep the sidewalks adjoining his lot or piece of land at all times in good repair, and in safe and passable condition, and also to remove and clean away all snow and ice or other obstructions therefrom. In case any sidewalk in said city shall at any time in the judgment of the superintendent of works require repair or improvement, the said superintendent of works may serve a written or printed notice upon the owner of the adjoining lot requiring him to repair or improve such sidewalk within five days after the service of such notice. Such notice shall be served in the manner prescribed in the last section. If such notice be served by mail, the owner shall have ten days in which to comply with its requirements. If any person shall neglect or refuse to make such repairs or improvements within the time limited therefor, the said superintendent of works shall have power to repair or improve the same in such manner and to such extent as he shall deem necessary. Whenever said superintendent of works shall make such repairs or improvements he shall deliver to the owner or send to him by mail, whether he reside in the city or elsewhere, a statement of the expense thereof. If such expense be not paid to the city chamberlain within ten days after the delivery or mailing of such statement, the said superintendent of works shall file his affidavit of the actual expense thereof with the chairman of the board of local assessors, and the same shall thereupon be assessed and collected the same as other local assessments, with interest thereon at the rate of twelve per centum per annum from the time such affidavit was filed. Such repair shall correspond in the material used and in the execution of the work with the original sidewalk, unless on application by the owner the department

Repairing and cleaning sidewalks.

Notice requiring repairs or improvements.

Service of notice.

Repairs or improvements by superintendent.

Expense thereof.

Materials and work.

ment of works or the superintendent of works shall consent to a change. Whenever any sidewalk shall be relaid or constructed the same shall be relaid or constructed upon the grade fixed or approved by the city engineer.

Grade.

Supervision
of harbor,
slips and
canals.

§ 148. The department of works shall have general supervision of the harbor, slips and canals in said city and the enforcement of all ordinances in relation thereto. It shall be the duty of said department to see that the wharves and docks in said city are kept properly repaired, and that the harbor, canals and slips are kept free from refuse matter, and it shall be the duty of said department and it is hereby empowered to order and direct the owner, agent or occupant of any wharf or dock in said city to rebuild or repair the same when and in such manner as the department may direct.

Rebuilding
or repairs
of same.

Depart-
ment may
rebuild,
etc.

§ 149. If the owner, agent or occupant of any wharf or dock neglects or refuses to rebuild or repair the same as directed, the department of works may rebuild or repair the same and assess the expense thereof against the property. All proceedings on the part of said department in ordering the repair of any wharf or dock and causing the same to be made and the expense thereof collected shall be the same as in the case of the constructing or rebuilding of a sidewalk, as provided by this act, except that thirty days' notice shall be given requiring said owner, agent or occupant to make such repairs or to rebuild said wharf or dock.

Proceed-
ings in
ordering re-
pairs.

§ 150. The department of works shall have exclusive authority:

1. To permit the excavating in any public street or the opening of any public sewer of said city at such time and in such manner and under such regulations and superintendence thereof as said department may prescribe in their order granting such permission. Any expense incurred by said department in any such superintendence, or in restoring or repairing such street or sewer shall be a lien, until paid, upon the premises or lot for the benefit of which any such work was done, and shall be enforced as unpaid claims for the construction of sidewalks are directed to be enforced by the provisions of this act, and the city of Oswego shall have a lawful demand against the applicant to whom such permission may have been given for such expense, and the same may be sued for in the name of the city and recovered by said department, and when collected shall be

Excavating
in streets
and open-
ing of
sewers.

Expense,
and re-
covery of.

paid to the city chamberlain to the credit of the fund against which such expense is properly chargeable.

2. To determine the place for planting and the relative location of any shade or ornamental trees in the streets of said city, and the removal, pruning and trimming thereof, and of any such trees now in said streets; and to that end may adopt general rules and regulations with reference thereto, which rules and regulations shall be published once each week for three successive weeks in the official papers. Any owner or occupant of premises in said city, in front of which there shall be any shade or ornamental tree or trees, who shall neglect to comply with such rules or regulations in reference thereto twenty-four hours after personal service of, or the posting of, a copy of such rules and regulations in a conspicuous place on said premises, shall be subject to a penalty not to exceed five dollars, to be sued for and recovered by the city of Oswego and paid to the city chamberlain of said city to the credit of the highway fund. The said tree or trees may be pruned and trimmed under the direction of said department, and the expense thereof shall be collected by said department from such owner in addition to the penalty above provided.

Trees, location, removal, etc., of.

Neglect to comply with rules.

Pruning by department.

3. To regulate the grade and width of sidewalks in said city, and also to regulate the width of space between the sidewalks and the curb-line in the streets thereof.

Grade and width of sidewalks.

4. To employ the services of the city engineer in all matters pertaining to said department requiring the services of a civil engineer or surveyor, and it shall be the duty of the city engineer to perform all such services when so required.

Employment of city engineer.

§ 151. The department of works shall have power to make provision whereby all garbage, ashes and other refuse of the citizens within prescribed limits shall be gathered and removed. The said department shall designate a district in the central portion of the city, within which it will gather and remove all garbage, ashes and other refuse, and may from time to time increase or decrease the limits of said districts. Within the limits of said district it may require every occupant of any house, store, apartment or room to place garbage, ashes and other refuse where the same may be readily gathered for removal under such reasonable rules and regulations as the said department may adopt.

Garbage, etc., gathering and removal of.

§ 152. The department of works may order new sidewalks constructed alongside of and adjacent to any new pavement directed

Sidewalks, construction of, with new

to be laid, and the same shall be constructed or laid at the same time with said pavement. Any sidewalk so ordered to be built shall be treated as a part of such new pavement, and the assessment therefor shall be made at the same time, and as a part of the assessment for said pavement, and the whole shall be collected in the same manner as assessments for pavements. The order for any such sidewalk shall specify the width and thickness of said sidewalk and the materials of which it is to be constructed.

Commissioners of highways.

§ 153. The commissioners of works in said city shall be commissioners of highways in and for said city, and shall have all the powers of the commissioners of highways in towns subject to the provisions of this act.

Charges upon highway fund.

§ 154. All legal obligations incurred by the department of works shall be a charge upon and be paid from the highway fund, except those for public lighting and for constructing, rebuilding and repairing sidewalks.

Electric light plant.

§ 155. The department of works shall have power, when authorized by a vote of a majority of the taxpayers voting at a special election ordered by the common council for that purpose, to contract for and equip and operate and maintain an electric light plant for lighting the streets, highways, alleys, parks, public places and all municipal buildings, and to furnish lights to private consumers.

ARTICLE VII.

Department of Education.

School commissioners.

§ 156. There shall be six commissioners of common schools of said city, who shall be chosen by the electors of the city and shall constitute the department of education. Each commissioner of common schools shall enter upon his office on the first day of January next succeeding his election, and the term of office shall be four years, except as herein otherwise provided. At the city election in eighteen hundred and ninety-five, and at each alternate city election thereafter four commissioners of common schools shall be elected, and at the city election in eighteen hundred and ninety-seven, and at each alternate election thereafter, two commissioners of common schools shall be elected. No elector shall at any election place upon his ballot names for commissioners of common schools exceeding one-half the number of commissioners of common schools to be elected at said election. The

Election of commissioners.

Who declared elected.

four persons who shall receive the highest number of votes for commissioner of common schools at the election in eighteen hundred and ninety-five, and at each alternate election thereafter, shall be declared elected to said office, and the two persons who shall receive the highest number of votes for commissioner of common schools at the election in eighteen hundred and ninety-seven, and at each alternate election thereafter, shall be declared elected to said office. Two of the commissioners of common schools elected in eighteen hundred and ninety-five shall take office in March, eighteen hundred and ninety-six, upon the expiration of the terms of the commissioners of common schools whom they shall succeed, and shall hold office until and including the thirty-first day of December, eighteen hundred and ninety-nine. At any election a ballot containing names for commissioner of common schools exceeding one-half the number of commissioners of common schools to be chosen at said election shall not be counted in determining the number of votes cast for said office. The said commissioners of common schools shall serve without compensation.

Terms of commissioners elected in 1895.

Certain ballots not counted.

No compensation.

§ 157. A vacancy in the office of commissioner of common schools shall be filled for the remainder of the unexpired term by appointment by the mayor, subject to confirmation by the common council, and the person so appointed shall be from the same political party as the commissioner of common schools whom he is appointed to succeed.

Vacancies in office.

§ 158. The commissioners of common schools holding office at the time of the passage of this act shall continue to hold said office until the expiration of their respective terms, and until their successors have been elected and qualified.

Terms of incumbents.

§ 159. Any commissioner of common schools in said city may be removed from office for official misconduct by the department of education of said city, by a vote of two-thirds of the members thereof; but a written copy of the charges preferred against said commissioner shall be served upon him, and he shall be allowed an opportunity of refuting any such charges of misconduct before removal.

Removal for misconduct.

§ 160. A majority of said department shall constitute a quorum. At each annual meeting of the department they shall elect one of their number president of the department, and whenever he shall be absent a president pro tempore may be appointed.

Quorum.

President and president pro tem.

Annual and
special
meetings.

§ 161. The annual meeting of said department shall be held on the first secular day of January in each year. The department shall also meet for the transaction of business as often as once a month and may adjourn for any shorter time. Special meetings may be called as often as may be necessary by the president, with the written concurrence of four members of the department, or in his absence or inability to act, with like concurrence of any five members of the department, by causing a written or printed notice of such meeting, with the names of the members calling the same, to be given personally to each member of the department, or left at his last place of residence, at least twenty-four hours before the hour for such special meeting. Such notice shall specify the object of such special meeting, the action of which shall be limited to the object so specified.

Secretary
of depart-
ment.

§ 162. The said department shall appoint a secretary, who shall hold his office during its pleasure, and whose compensation shall be fixed by the department. The said secretary shall keep a record of the proceedings of the department, and perform such other duties as the department may prescribe. The said secretary shall keep regular and full books of account of all its transactions and proceedings, and an accurate record of each fund subject to the warrants of the department showing at all times the amount of warrants drawn against each fund separately and the unexpended balance of said fund. The said records, or a transcript thereof, certified by the secretary, shall be received in all courts as prima facie evidence of the facts therein set forth; and such record and all the books, accounts, vouchers and papers of said department shall at all times be subject to the inspection of the mayor or common council or any committee thereof.

Evidence of
records,
etc.

Common
school
library.

§ 163. The books of the common school library of the city now deposited and kept in the building of the Oswego city library in said city, may remain therein at the pleasure of said department and subject to its control. The department may designate the librarian of the said Oswego city library to have the custody and care of the said common school library, and may limit and prescribe his powers and duties in respect thereto, and provide for his compensation.

Taxes for
school pur-
poses.

§ 164. The common council of said city shall have power, and it shall be their duty, subject to the limitations contained in the

next section of this title, to raise, from time to time, by tax, such sums as may be determined and certified by the said board of education to be necessary and proper for any or all of the following purposes:

1. To purchase, lease or improve sites for schoolhouses.
2. To build, purchase, lease, enlarge, alter, improve and repair schoolhouses and their outhouses and appurtenances.
3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages; but the power herein granted shall not be deemed to authorize the furnishing with class or text-books any scholar or child whose parents or guardian shall be able to furnish the same.
4. To procure fuel and defray the contingent expenses of the common schools, and the expenses of the school library of said city, and the necessary contingent expenses of said department, including the salary of the secretary of said department.
5. To pay teachers' wages after the application of public moneys, which may by law be appropriated and provided for that purpose.

§ 165. The amount to be raised for the foregoing purposes in each year shall not be less than twenty-five thousand dollars nor more than forty thousand dollars, which amount shall be levied and collected by the common council at the same time and in the same manner as the other general taxes of said city are levied and collected, and when collected shall be known as the "school fund." The warrant issued to the city chamberlain by the mayor for the collection of such taxes shall specify what proportion of such taxes are for general city purposes and what proportion are for the support of the schools of said city; and the city chamberlain shall designate the part thereof collected for the support of said schools, and shall credit the same to the department of education as a part of the public school fund of said city, as hereinafter provided. The common council are authorized and directed to borrow from time to time, in anticipation of the collection of the moneys hereby authorized to be raised, or of the receipt of the State school moneys, such amount as shall be certified to them by resolution of the department of education to be necessary for the use of said schools, subject to the provisions and limitations of this act. The interest or discount paid in

Limitation
of taxes.

Levy and
collection

May bor-
row money
in anticipa-
tion of
taxes, etc.

effecting such loan shall be paid by the department as one of the contingent expenses of said schools.

Moneys
payable to
chamber-
lain.

Public
school
fund.

Account
and report
of drafts
drawn.

Uncol-
lected
money to
be credited.

Action
against
chamber-
lain for
diversion
of funds,
etc.

§ 166. All moneys raised by virtue of this act or received from the State or from any other source for the use of said schools shall be paid to the city chamberlain of Oswego for the use of said schools, and shall be credited by him to the department of education, and shall be known as the public school fund of said city, and shall be paid out by him only upon drafts drawn upon him signed by the president and countersigned by the secretary of said department, which drafts shall not be drawn except in pursuance of a resolution or resolutions of said board, and shall be made payable to the person or persons entitled to receive the money thereon, and shall express the purpose for which such money is to be paid, and no interest shall be paid by said department upon or on account of any drafts drawn by said department or by its authority. The secretary shall keep an accurate account of all drafts so drawn in a book to be kept by him for that purpose, and shall report at each monthly meeting of the department the amount of drafts drawn from the commencement of the fiscal year to the date of such report. The city chamberlain shall also report to the department whenever required by it the condition of the public school fund in his hands. So much of the amount levied for school purposes in any year, by virtue of this title, as shall remain uncollected on the first day of the following January (less five per centum, however, of the amount so remaining uncollected to cover such part of said uncollected moneys as may prove finally uncollectible), shall be credited by the city chamberlain to the department of education, and shall become and be a part of the public school fund of said city, and subject to the drafts of said department. Such uncollected moneys when afterward collected, with any interest that may be received thereon, shall be paid to the city chamberlain to the credit of the city of Oswego, and shall be subject to the orders of the common council thereon. In case said city chamberlain shall at any time transfer or divert any part of the school moneys in his hands to any other purpose than the payment of the orders drawn by said department of education, it shall be the duty of said department immediately to commence suit in the supreme court, in the name of the city of Oswego, against said city chamberlain

and his sureties, for the recovery of the sum so transferred or diverted, and costs shall be allowed against such city chamberlain, and his sureties are hereby declared to be liable on their official bonds for any default, deficiency, neglect or misconduct in the premises. On or before the first day of January in each year the said city chamberlain shall report to the said department all moneys received by him during the last fiscal year for the use of the schools of said city (including the amount uncollected and transferred to the credit of said department, as herein provided), the source from which the same was received, with the date and amount, and also shall report the number, date and amount of each draft paid by him during said fiscal year for said department, with the date when each of said drafts was paid, and said drafts shall be returned to and filed with the secretary of said department.

§ 167. The said department shall have power to, and it shall be their duty:

1. To organize and establish such and so many schools in said city, including the common schools now existing therein, as they shall deem requisite and expedient, and to alter or discontinue the same.
2. To purchase and hire schoolhouses and rooms, lots or sites for schoolhouses, and to fence and improve them as they may deem proper.
3. Upon such lots and sites owned by said city, to build, enlarge, alter, improve and repair schoolhouses, outhouses and appurtenances, as they may deem advisable.
4. To purchase, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages, and to provide fuel for the schools and defray the contingent expenses of the school library.
5. To have the custody and safe-keeping of the schoolhouses, outhouses, books, furniture and appurtenances, and to see that the ordinances of the common council in relation thereto be observed.
6. To contract with, license and employ all teachers in said schools, and at their pleasure to remove them.
7. To pay the wages of such teachers out of the moneys appropriated and provided by law for the support of common schools in said city, so far as the same shall be sufficient, and

Annual report of chamberlain.

Power of department.

Establishment of schools.

School-houses and sites.

Erection of buildings.

Books, apparatus, etc.

Custody of property.

Teachers.

Payment of wages.

the residue thereof from the money authorized to be raised for that purpose by this act, by tax upon said city.

Contingent
expenses.

8. To defray the necessary and contingent expenses of the department, including the annual salary of the secretary of the department.

Super-
vision of
schools.

9. To have in all respects the superintendence, supervision and management of the common schools of the city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, or the reception of pupils and their transfer from one school to another, and generally for their good order, prosperity and utility.

Sale of
property.

10. Whenever, in the opinion of the department of education, it may be advisable to sell any of the schoolhouses, lots or sites, or any of the school property now or hereafter belonging to the city, to report the same to the common council.

Ordinances
and regu-
lations.

11. To prepare and report to the common council such ordinances and regulations as may be necessary and proper for the protection, safe-keeping, care and preservation of schoolhouses, lots and sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations; and annually, on or before the first day of May in each year, to determine and certify to the said common council the sum, in their opinion, necessary or proper to be raised for the purposes specified in this title, under the provisions of this act, for the fiscal year commencing on the first day of January, preceding, specifying the amount required for each of said purposes separately.

Annual es-
timate of
expenses.

12. To cause an enumeration of all the children between the ages of five and twenty-one years residing in said city on the thirtieth day of June next preceding, to be made between July first and August first in each year.

Enumera-
tion of
children.

Report to
state super-
intendent.

13. Between the first day of August and the first day of September in each year, to take and transmit to the superintendent of public instruction a report, in writing, bearing date the first day of August in the year of its transmission, and stating:

Contents of
reports.

1. The number of schoolhouses in said city, and an account and description of all common schools kept in said city during the preceding year, and the time they have severally been taught;

the number of children taught in said schools, respectively, and the number of children over the age of five years and under the age of twenty-one years residing in said city on the thirtieth day of September in each year.

2 The whole amount of school moneys received by the chamberlain of said city during the preceding year, distinguishing the amount received by the city chamberlain from the city tax and from any other sources.

3. The manner in which such moneys have been expended, and whether any and what part remains unexpended, and for what cause.

4. The amount of moneys received for tuition fees from foreign pupils during the year, and the amount paid for teachers' wages in addition to the public moneys, with such other information relating to the common schools of said city, as may from time to time be required by the state superintendent of public instruction.

§ 168. Each school commissioner shall visit all the schools in ^{visitation of schools.} said city at least twice in each year of his official term; and the said department of education shall provide that each of said schools shall be visited by a committee of three or more of their number at least once in each term.

§ 169. The said department of education shall have power to ^{Non-resident pupils.} allow the children of persons not resident in said city to attend the schools of said city, under the control and care of said department upon such terms as said department shall by resolution prescribe, fixing the tuition which shall be paid therefor, to be collected in such manner as said department shall direct, and immediately paid to the city chamberlain for the use of the said department.

§ 170. It shall be the duty of said department in all its ^{Restrictions as to expenditures and contracts.} expenditures and contracts to have reference to the amount of moneys which shall be subject to its order during the then current year, and not to exceed that amount, except that by a vote of two-thirds of all the members elected to said department a sum not more than one-half of the expenses of any building erected by said department for school purposes may be contracted for or expended by said department in addition to the amount applicable to that purpose in the year when such erection is made, which sum shall be raised and paid out of the moneys

State
school
moneys.

applicable to that purpose in the next fiscal year. The State school moneys appropriated for the use of the schools of said city shall belong to the fiscal year in which the same may be received by the city chamberlain. It shall be the duty of the city chamberlain to deposit all moneys in his hands belonging to the public school fund in some incorporated bank, and the interest received thereon shall be credited by him to the department of education, and shall become and be a part of the public school fund of said city, and shall be stated by him in his annual report to the said department hereinbefore provided for, or at any other time when required by said department.

Deposits in
bank and
interest
thereon.

Trustees of
school
libraries.

§ 171. The said commissioners of common schools shall be trustees of the school libraries in said city, and all the provisions of law which now are or hereafter may be passed relative to school district libraries shall apply to said commissioners in the same manner as if they were trustees of a school district comprehending said city. They shall also be vested with the same discretion as to the disposition of the moneys appropriated by the law of this State for the purchase of libraries which is therein conferred on the inhabitants of school districts. It shall be their duty to provide a room or rooms and the necessary furniture therefor. The librarians shall report to the department the condition of the city library or the libraries under their charge, and the said department or secretary thereof, under the direction and by the resolution of said department, may make all purchases of books for said library or libraries, and may direct the mode of their distribution, and may cause to be repaired damaged books belonging thereto, and may sell any book in said library or libraries that may be deemed useless and apply the proceeds to the purchase of other books for said library or libraries.

Librarians.

Title of
school
property.

§ 172. The title of the schoolhouses, sites, lots, furniture, books, apparatus and appurtenances, and all other school property in this act mentioned, shall be vested in the city of Oswego, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city in its corporate capacity shall be able to take, hold and dispose of any personal or real estate transferred to it by grant, gift, bequest or devise, for the use of the common schools of said city, whether the same be transferred in terms to said city by

Exemption
from sale
and taxa-
tion.

City may
hold prop-
erty.

its proper style or by any other designation, or to any person or persons or body for the use of said schools.

§ 173. The common council of said city shall, upon the recommendation of said department of education, sell any of the schoolhouses, sites, lots or any of the school property now or hereafter belonging to said city, upon such terms as the common council shall deem reasonable. The proceeds of all such sales shall be paid to the city chamberlain of said city, and shall be by said department expended in the purchase, repairs or improvement of schoolhouses, lots, sites or school furniture, apparatus or appurtenances.

Sale of schoolhouses and property.

Proceeds of sale.

§ 174. The common council shall have power and it shall be its duty to pass such ordinances and regulations as the said department of education may report as necessary for the protection, preservation, safe-keeping and care of the schoolhouses, lots, sites, appurtenances and appendages, libraries and all necessary property belonging to or connected with the schools of said city, and to impose proper penalties for the violation thereof, subject to the restrictions and limitations contained in this act; and all such penalties shall be collected in the same manner that the penalties for the violation of the city ordinances are by law collected, and when collected shall be paid to the city chamberlain of the city, to the credit of the said department of education, and shall be subject to their order in the same manner as other moneys raised pursuant to the provisions of this act.

Ordinances and regulations.

Penalties, how collected and applied.

§ 175. No officer of said department of education, or any other person, shall have power to make or shall make any purchases, create any liability, or contract any debt on the part of said department, unless specifically authorized by the said department or by this title so to do, and no account, claim or demand shall be audited, allowed or paid by the said department, unless the same was so authorized, nor unless the same shall be verified in the same manner that town accounts are required to be verified. The secretary of the said department shall have power to administer any oath or take any affidavit in respect to any matter relating to the business of said department or to the affairs of the common council of said city.

Creator of debts and liabilities.

Audit of claims.

Secretary may administer oaths, etc.

§ 176. The department of education of the city of Oswego shall not purchase and shall have no power to purchase lots or sites for schoolhouses, or to build or enlarge schoolhouses upon lots

Vote requisite for purchase of property, etc.

or sites now or hereafter owned or acquired by said city, unless two-thirds of all the members of said department shall vote in favor of such purchases, building or enlargement.

Payment of
claims and
demands.

§ 177. The department of education is hereby authorized and directed to pay all claims and demands duly audited by it only by warrants drawn on the city chamberlain against funds in his hands subject to the drafts of such department, signed by its president and countersigned by its secretary; and every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon.

TITLE VIII.

Department of Fire and Police.

Offices
abolished.

§ 178. The offices of police commissioner and fire commissioner are hereby abolished, to take effect on the first day of January, eighteen hundred and ninety-six. There shall be four commissioners of fire and police of said city who shall be elected by the electors of the city, and shall constitute the department of fire and police. At the city election in eighteen hundred and ninety-

Commis-
sioners of
fire and
police

Election of
of five,
commis-
sioners.

five, four commissioners of fire and police shall be elected, two for the term of two years, and two for the term of four years, and thereafter at each regular city election two commissioners of fire and police shall be elected for the term of four years, and the term of office of each shall commence on the first day of January next after his election. No elector shall at any election place upon his ballot for commissioner of fire and police names exceeding one-half the number of commissioners of fire and police to be elected at said election, and the four persons who shall receive the highest number of votes for commissioner of fire and police at the election in eighteen hundred and ninety-five shall be declared elected, and the two persons who shall receive the highest number of votes for commissioner of fire and police at any subsequent election shall be declared elected. Any ballot containing names for commissioner of fire and police exceeding one-half the number of commissioners of fire and police to be chosen at such election shall not be counted in determining the number of votes cast for said office.

Certain bal-
lots not
counted.

Vacancies
in office.

§ 179. A vacancy in the office of commissioner of fire and police shall be filled by appointment by the mayor for the unexpired term, and any commissioner so appointed shall be from the same

political party as the commissioner whom he succeeds. The ^{No compensation} commissioners of fire and police shall serve without compensation.

§ 180. On the first secular day in January, eighteen hundred and ninety-six, the four commissioners of fire and police elected ^{Organisation of department.} as provided by this act shall meet at the office of the city clerk in said city, at the hour of two o'clock in the afternoon of that day, and shall organize and be known and designated as the department of fire and police of the city of Oswego, and who shall exercise the powers and fulfill the duties connected with and incident to the police government and discipline of said city, and also connected with and incident to the control, government and discipline of the fire department of said city, as hereinafter more especially provided for. They shall annually, in January, select ^{Clerk of department.} from their own number one who shall be president of the department, and they shall employ a clerk, who shall receive for his services as such two hundred dollars annually. The clerk shall keep a record in due form of all the proceedings of the department and perform the duties required by the department and the provisions of this act.

§ 181. The commissioners of fire and police may be removed ^{Removals for misconduct.} for official or other misconduct, in the same manner as sheriffs may be removed, but not otherwise.

§ 182. The common council of the city of Oswego shall provide ^{Meetings and rooms therefor.} suitable rooms in the city hall for the meetings of the department. Such meetings shall be held at such times as shall be appointed by the president of the department or a majority of the members thereof, and the attendance of three commissioners shall be necessary to constitute a quorum. No policeman or fireman shall be appointed or discharged at any meeting of the department, unless all the commissioners are present or shall ^{Notices of appointment or discharge of policemen or firemen.} have been served at least twenty-four hours before said meeting with a written or printed notice of said meeting, signed by the president or clerk, stating that the question of the appointment or discharge of a policeman or fireman will be considered at said meeting; and no appointment or discharge ^{Necessary vote.} of any fireman or policeman shall be made except by the affirmative vote of a majority of all the commissioners.

§ 183. The meetings of the said department shall be public ^{Meetings public.} except when in executive session. On or before the first of May

Annual estimate for police and fire funds.

each year the department of fire and police shall make and certify to the common council an estimate of the amount to be raised for the current year to be disbursed for the benefit of the city under the supervision of such department, stating the amount required for the "fire protection fund" and the "police fund," each separately. Such estimate shall not exceed the sum of eighteen thousand dollars for the "fire protection fund" except as hereinafter provided, nor the sum of fourteen thousand dollars for the "police fund" except under the conditions provided by this act.

Payments of claims and demands.

§ 184. The department of fire and police shall pay all claims and demands duly audited by it only by warrants drawn on the city chamberlain against funds in his hands subject to the drafts of such department, signed by its president and countersigned by its clerk, and every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon.

Books and accounts.

§ 185. The clerk of the department of fire and police shall keep regular and full books of account of all its transactions and proceedings and an accurate record of each fund subject to its warrants, showing at all times the amount of warrants drawn against each fund separately and the balance of said fund unexpended.

Sale and disposal of property.

§ 186. The said department shall have power to sell and dispose of any of the fire department property under their direction and control, except real estate, when in their judgment the interests of the said city will be promoted thereby, and the avails of such sales shall be paid to the city chamberlain and by him placed to the credit of the fire protection fund.

Rules and regulations.

§ 187. The department shall make such rules and regulations as to it may seem best, for the good government of itself and of the fire and police departments.

Control and management of property.

§ 188. Upon the organization of the department as authorized by this act, all the property and effects owned by the city of Oswego in the use and occupation or which may be obtained for such use of the fire department thereof, shall be under the direction, control and management of said department; and also all moneys required by any law of this State to be paid by the agents of insurance companies not incorporated by the laws of this State, for the use and benefit of the fire department of the cities and incorporated villages of the State, shall thereafter be paid to the chamberlain of the city of Oswego, and shall be credited by him

Moneys paid by insurance agents.

to the fire protection fund of said city, and shall be expended by the said department for the use and benefit of the fire department of said city, and for the defraying of the expenses thereof.

§ 189. The avails of all sales of property made by the department of fire and police of said city shall be paid to the city chamberlain, and by him placed to the credit of the fund from which the property was originally purchased. Disposition of avails of sale.

§ 190. The department shall maintain fire companies, and appoint a sufficient number of able-bodied and reputable inhabitants of the city of Oswego firemen to belong to such companies, and shall pay them a reasonable compensation for their services as such firemen. Said department shall appoint one of said firemen chief engineer of the fire department, who shall, under its direction, have full control of the fire department; and the department shall also appoint one of said firemen, who shall act as assistant to the chief engineer in the management and control of the fire companies and fire apparatus during the extinguishment of fires. The said department shall pay the chief engineer, his assistant, the steamer engineers, stokers, drivers and foremen and assistant foremen of the companies such compensation as shall be just and reasonable. The department shall have power to remove, in its discretion, any of its appointees provided for in this section. The chief engineer of the fire department, his assistant, and the firemen and appointees composing the fire companies of the fire department of the city of Oswego on the thirty-first day of December, eighteen hundred and ninety-five, shall constitute the chief engineer of the fire department, his assistant, and the firemen and appointees of the fire department under this act, and such officers, firemen and appointees shall, for the purposes of this act, be deemed the appointees of the department of fire and police hereby created, subject to the provisions of this act. Fire companies and firemen. Chief and assistant engineers. Compensation. Existing fire department, continued.

§ 191. The fire and police department are hereby required to care for the hydrants in said city so far as the city is under any legal obligation to care for the same. Care of hydrants.

§ 192. The officers, firemen and appointees of the fire department, with their apparatus of all kinds, when on duty shall have the right of way at any fire or alarm of fire, and in any highway, street or avenue, over any and all vehicles of any kind except those carrying the United States mail; any person who shall Right of way at fires.

Penalty for
refusal of
same.

refuse the right of way, or in any way obstruct any fire apparatus, or interfere with, obstruct or resist any of said officers, firemen and appointees while in the performance of duty shall be guilty of a misdemeanor, and on conviction shall be liable to punishment for the same by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding sixty days.

Demo-
lition
of build-
ings.

§ 193. Whenever any building in the city is on fire it shall be lawful for the chief engineer or acting chief engineer, with the concurrence of the mayor or the president of the fire and police department, or in the absence from the city of both of said officials, then with the concurrence of any other commissioner of fire and police, to order and direct the same, or any other building which they may deem likely to take fire and convey the same to other buildings, to be torn down or blown up and destroyed; and no action shall be maintained against any person therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of three months, if any such application shall have been made in writing to the common council, the same proceedings shall be had to determine whether any and what damages have been sustained by such claimant as are prescribed by this act for the appropriation of land for laying out, altering, widening or straightening streets. The damages so awarded, if any, shall be added, levied and raised with the next general annual tax, and when received shall be paid by the common council and received by the claimants in full of all claim and demand of damages for or on account of the injury to or destruction of the said buildings.

Tax for fire
protection
fund.

§ 194. In each of the years eighteen hundred and ninety-five and eighteen hundred and ninety-six the sum of three thousand dollars shall be added to and collected with the general tax and the same shall be credited to the fire protection fund by the city chamberlain. The said department shall expend the said sum of six thousand dollars, or so much thereof as may be necessary, for the purchase of new apparatus and equipment for the fire department of said city. All of said moneys so expended by the said department shall be used for supplying new apparatus and equipment for the said fire department and for no other purpose.

Expendi-
ture for
new appa-
ratus
and equip-
ments.

§ 195. The department of fire and police shall maintain in service not less than twelve nor more than sixteen regular policemen, who shall constitute the police of the city of Oswego. They may, when deemed necessary by them, appoint extra policemen not exceeding in number the regular policemen, who shall serve for such time as the said department shall deem necessary, not to exceed ten days, and who shall be entitled to receive a compensation of two dollars per day for their services to each one while in actual service, the expense of which shall be raised and paid in the manner provided for the payment of regular policemen in this act.

Regular policemen.

Extra policemen.

§ 196. The mayor may also appoint, in extraordinary emergencies, an additional number of policemen, to hold their appointment until the next meeting of the fire and police department. The policemen appointed under this act shall have the same power and authority as constables now have by law, except as to civil process and proceedings, and shall be subject to the same liabilities and regulations, except as herein otherwise provided; and the chief of police and policemen of said city shall execute the orders and commitments of the courts held by the recorder, and may convey all persons sentenced by him to jail, penitentiary, or house of refuge.

Temporary policemen.

Powers of policemen.

§ 197. Whenever the population of the city as appears by the last National or State census shall have reached twenty-eight thousand, two additional regular policemen may be appointed in the same manner as the other policemen, and thereafter, for each additional three thousand of population two additional policemen may in like manner be appointed. As often as policemen are so appointed the police fund shall be increased by the amount of the compensation of such policemen.

Additional regular policemen.

§ 198. The regular policemen shall receive for their services such compensation as shall be fixed by the department. The department shall select from the policemen appointed by them one who shall be chief of police, whose duty it shall be, under the direction of the department, to superintend the police department in said city, of which he shall be chief executive officer. He shall keep a record in a book of all cases and legal proceedings in his department, and of all services performed by him and the several policemen. He shall at least once in every month report to the department the state of the police department, and whether

Compensation.

Chief of police.

Captains of police. any member of his force is delinquent in his duties. The department shall appoint a captain of police, to be selected from the regular policemen appointed by them who shall, under the direction of the chief of police, perform any services and exercise any control which the chief of police might in the management and operation of the department. The chief of police, in office when this act takes effect, shall continue in office as chief of police under this act, subject to its provisions. The captain of the night watch, in office when this act takes effect, shall continue in office as captain of police under this act, subject to its provisions, and the policemen in office when this act takes effect shall continue in office as policemen under this act, subject to its provisions.

Terms of incumbents.

Powers of chief of police. § 199. The chief of police shall possess all the powers of a constable. He shall also have power to commit persons charged with criminal offenses until examination shall be had before the recorder, or a justice of the peace authorized to act in his place.

Office for chief. § 200. The common council shall provide an office for the chief of police, where all reports to him shall be made, and he shall keep in such office a book in which shall be entered the names of all the members, and a record of the transactions of the department.

Records to be kept.

Oath of office. § 201. The chief of police, the captain of police, each policeman and special policeman shall, before he enters upon the discharge of his duties, take, subscribe and file in the office of the county clerk of Oswego county, the constitutional oath of office.

Terms and retirement of police. The chief of police, the captain of police and policemen shall hold office during good behavior, but either of said officers may be retired from the service by resolution of the department of fire and police at any time after such officer shall arrive at sixty years of age, or shall at any time become unable to pass a satisfactory examination as to good health and sound body, such as the rules of said department require of an officer upon entering said force, and for the latter purpose, said officers, or either of them, shall, whenever required by said department, submit to examination by a physician or physicians appointed for that purpose by said department; but nothing herein contained shall be construed to authorize the dismissal of an officer on account of temporary illness or temporary disability incurred while in the performance of his duty. Any one of the members of said force may be removed by the department on proof of charges preferred before

Removal for cause.

it in writing, of illegal, corrupt, or otherwise improper conduct, on which he has had an opportunity to be heard in his own defense, and pending such charge, the department may suspend the party thus charged from duty, and upon hearing and examination of such charges, the department shall have the power to hear evidence, to bring before it persons, books and papers by subpoena, as provided by sections eight hundred and fifty-two and eight hundred and fifty-four of the code of civil procedure, and the enforcement of obedience to said subpoena, and the penalty for a violation thereof or refusal to be sworn and testify upon such hearing, shall be the same and conducted in the same manner as provided by sections eight hundred and fifty-five, eight hundred and fifty-six, eight hundred and fifty-seven and eight hundred and fifty-eight of the code of civil procedure, and said department or a member thereof shall have power to administer an oath for the purpose of said examination, as provided by section eight hundred and forty-three of the code of civil procedure. A witness who testifies falsely upon such examination is guilty of perjury in a like case, and is punishable in like manner, as upon the trial of a civil action. The department may also, for disobedience of their orders or other offense not involving corrupt or criminal conduct, suspend temporarily from duty or pay, or both, any policeman.

Hearing
and
examina-
tion of
charges.

Suspension
from
duty or
pay.

§ 202. The policemen authorized by this act shall have the same power and authority in criminal cases as constables possess by law, and shall have the same power and authority which a constable possesses in civil cases so far as serving all process and papers in behalf of the corporation of the city of Oswego, or in which said corporation is concerned, but not otherwise. No fee or compensation other than is herein provided shall be charged or received by any policeman for the arrest, confinement or discharge of any prisoner, for mileage, or for serving any summons or warrant, or for discharging any other duty required by this act to be performed by him; but any reasonable and necessary expenses incurred by any policeman when traveling in the discharge of his duties as policeman shall be paid by the department of fire and police. And the said department is hereby authorized to charge to the county of Oswego, or to the city of Oswego, or one of the towns of said county, as the case may be, the moneys thus paid, and the same shall be allowed and audited

Powers of
policemen.

No fees for
arrests or
mileage.

Traveling
expenses.

Fees
chargeable
to county,
city or
town.

by the board of supervisors of said county, or by the common council of the city of Oswego, to and for the benefit of the said city of Oswego, and shall be paid to the city chamberlain of said city.

Presents
and
rewards
for ser-
vices.

§ 203. No policeman or special policeman shall receive any present or reward for services rendered or to be rendered, unless with the approbation of the department aforesaid, such approbation to be given in writing and filed with the clerk, and any one of their number who shall receive any fee or reward in violation of this section shall forfeit his office.

Rules and
regula-
tions.

§ 204. The department aforesaid shall make such rules and regulations as may be necessary for the government of the police force hereby established, and for the maintenance of law and good order in the said city of Oswego not inconsistent with the city ordinances.

Station-
houses,
furniture
and sup-
plies.

§ 205. The common council of said city shall provide and keep in order such station-houses, lock-ups and other necessary accommodations as shall be required for the use of the police force, including office furniture, fuel and stationery, and shall provide and maintain one police station on each side of the Oswego river in said city of Oswego.

Powers of
captain.

§ 206. The captain of police shall possess all the powers provided for and vested in the chief of police by this act. No policeman shall be entitled to any fees, costs or perquisites of any kind for any services in civil proceedings in which the city of Oswego is a party or is concerned, or in any proceedings against any person or corporation for the violation of any ordinances of said city, whether such proceedings are of a civil or criminal character.

Fees, costs,
etc.

The chief of police shall receive all fines, costs, judgments, penalties and damages adjudged to be paid or imposed by the recorder in any action or proceeding had or prosecuted before the said recorder, and it shall be his duty to pay the same to the city chamberlain at the end of every month.

Receipts
and pay-
ment over
of fines,
etc.

Special po-
licemen.

§ 207. The said department of fire and police may, on the request of any person, company or corporation, appoint for a definite period of time such number of special policemen as they may deem necessary, and the said special policemen shall be authorized to make arrests in the same cases as other policemen of said city, but shall not be entitled to any compensation from the city for their services. Such special policemen shall be under

the control of the fire and police department of the city, and shall be liable to be removed by said fire and police department at any time in its discretion.

§ 208. The policemen of said city shall hereafter be paid a compensation not to exceed the rate of seven hundred and twenty dollars per annum, the captain of police nine hundred dollars per annum, and the chief of police a compensation not to exceed the rate of one thousand and twenty dollars per annum. The janitor of the police station shall be appointed by the department of fire and police; he shall act as driver of the police patrol wagon, and shall be paid from the police fund, and his duties shall be prescribed by the said department.

§ 209. It shall be the duty of the chief of police and all policemen to obey the orders of the mayor for enforcing the laws of the State and the city ordinances.

§ 210. The said city of Oswego is hereby authorized to charge to the county of Oswego, or any town therein, for the services performed by the chief of police and policemen in criminal proceedings, such fees as are allowed to constables of towns and chargeable to said county or towns therein; and the same shall be audited and allowed by the board of supervisors of said county to and for the benefit of said city of Oswego.

§ 211. The mayor, under the direction of the common council, to be expressed by a vote of two-thirds of the aldermen elected, may offer rewards for the detection or apprehension of the perpetrator of any offense against the city ordinances or of any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

§ 212. The common jail of Oswego county, situate in said city, shall be the city jail; but the rooms in the basement of the city hall, now and heretofore occupied for the keeping and detention of persons charged with criminal offenses, may be continued to be used for that purpose and for the detention of persons awaiting examination for criminal offenses or charged with being disorderly or vagrants and for the detention of all such persons in all cases except after final sentence upon conviction, and for all these purposes shall be deemed a city jail; and the common council may designate any other place as a city jail for the above-mentioned purposes. The department of fire and police may pre-

Rules and
keeper
of jail.

Committ-
ments to
jail.

Expenses.

Police ma-
tron, ap-
pointment,
duties, etc.,
of.

Compensa-
tion.

Confine-
ment of
female
prisoners.

scribe rules for the proper management and government thereof, and appoint a keeper for the same and provide for his compensation and for the necessities of those detained or confined therein. The court or officer having jurisdiction may commit persons in the cases above provided to the city jail last aforesaid for detention and examination. The expenses incident to such jail shall be audited and paid by the county of Oswego, except such as shall be incurred for the violation of the provisions of this act or of the city ordinances, which shall be paid by the city.

§ 213. Police matron.—The police matron shall be appointed by the mayor and shall hold such office until the end of the term of the mayor by whom she was appointed, and until her successor is appointed and qualified. Her duties shall be the same as prescribed for police matrons in cities by chapter four hundred and twenty of the laws of eighteen hundred and eighty-eight, and acts amendatory thereof, except as herein modified. She shall attend at the city jail when officially summoned so to do by the recorder, chief of police, captain of police or policeman in charge of the city jail. It shall be the duty of the chief of police to see that such police matron is duly summoned to attend at the city jail whenever a female prisoner or witness is detained at said jail, and at no other time, and the said matron is hereby required promptly to obey such summons. The chief of police shall also notify the police matron of the time and place of trial before the recorder of every female prisoner, and the said matron shall attend said female during said trial. The police matron shall be paid a per diem compensation, not exceeding one dollar for every such summons to which she responds and administers to a female prisoner or witness under detention, but such compensation shall not exceed the sum of three hundred dollars in any one year, and the same shall be paid her by the common council monthly from the contingent fund, upon the certificate of the fire and police department, stating the amount due said police matron for services rendered pursuant to this act. The common council shall designate a separate place for the confinement of females detained as prisoners or witnesses.

TITLE IX.

Department of Charity.

§ 214. There shall be four commissioners of charity of said city, who shall be appointed by the mayor and shall constitute the department of charity, which department shall be bipartisan and composed of two commissioners of charity from each of the two political parties of the State which at the last general election cast the highest and the next highest number of votes. The commissioners of public charity in office at the time of the passage of this act shall continue in office as commissioners of charity until the expiration of their respective terms and until their successors are appointed and qualified.

§ 215. In April, eighteen hundred and ninety-six, the mayor shall appoint two commissioners of charity to fill the vacancies then existing, one for the term ending December thirty-first, eighteen hundred and ninety-eight, and the other for the term ending December thirty-first, eighteen hundred and ninety-nine; in April, eighteen hundred and ninety-eight, the mayor shall appoint two commissioners of charity to fill the vacancies then existing, one for the term ending December thirty-first, nineteen hundred, and the other for the term ending December thirty-first, nineteen hundred and one. Thereafter one commissioner of charity shall be appointed by the mayor in January of each year for the term of four years from the first day of January in the year of his appointment.

§ 216. A vacancy in the office of commissioner of charity shall be filled by appointment by the mayor for the unexpired term. Every commissioner of charity shall be from the same political party as the commissioner whom he succeeds and shall serve without compensation.

§ 217. In January of each year the said commissioners shall select from their number one who shall be president of the department.

§ 218. The said department shall have sole and exclusive control of all measures pertaining to the support or relief of the poor of said city. They shall determine the amounts to be raised in each year by tax for poor purposes, and may prescribe to what extent, in what manner and to whom support or relief shall be furnished, and may control the purchase and procuring

of all supplies of provisions, fuel or other articles for the use of the poor, and may regulate and control the employment of physicians and medical aid for the poor.

Meetings.

**Clerk of
d. part-
ment.**

§ 219. The department shall hold two regular meetings each month. They may employ one competent person at a reasonable salary not to exceed one thousand dollars per annum, to transact the business of the department and who may be retained or dismissed at the pleasure of the department, and who shall be designated as the clerk of the department.

**Annual es-
timate of
expenses.**

§ 221. On or before the first day of May in each year, the department shall render an estimate to the common council of the amount required to be raised for the ensuing year for the relief or support of the poor and the incidental expenses of the department, and the common council shall thereupon insert the amount so estimated in the general city assessment for the current year as the amount to be raised for the poor fund during such year, provided such estimate does not exceed the amount actually expended by the city for the support and relief of the poor during the year next previous.

**Duty of
council
thereon.**

**Payment
of claims
and
demands.**

§ 222. The department of charity shall pay all claims and demands duly audited by it only by warrants drawn on the city chamberlain against the funds in his hands, subject to the draft of such department, signed by its president and countersigned by its clerk, and every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon.

**Books and
accounts.**

§ 223. The clerk of the department of charity shall keep regular and full books of account of all its transactions and proceedings, and an accurate record of the fund subject to its warrants, showing at all times the amount of warrants drawn against such fund and the balance of said fund unexpended. The books and accounts of the department shall be open to the inspection of any elector of the city at all reasonable hours.

**Powers of
overseers
of poor.**

§ 224. The said department of charity shall possess all the powers conferred by law upon the overseers of the poor of the several towns of this State, and be subject to the same duties, liabilities and obligations.

City almshouse.

§ 225. The department of charity shall maintain the city almshouse now erected on lands in the town of Oswego, and may appoint a keeper of the city almshouse and may employ such

other persons for the government and management of said almshouse and lands as shall be necessary and may regulate their powers and duties. It shall have exclusive control of the said lands, and of the buildings erected thereon, and the same shall not be levied on or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the common council of said city shall upon the recommendation of said department of charity, sell any part of the lands hereinbefore mentioned upon such terms as the said department shall deem reasonable, and the moneys received therefor shall be paid to the city chamberlain, to the credit of said department.

§ 226. The department of charity may send to and maintain at such almshouse, all persons in the city of Oswego requiring aid from the poor fund of said city, and may also cause such labor, in manufactures or otherwise, to be performed by the tenants of said almshouse as they shall prescribe, and may provide the materials, implements and machinery therefor at the expense of said department. They may also erect in the said almshouse proper rooms for the confinement and care of idiots and other persons confined therein, and may provide for their care, and may contract with the county of Oswego, or with any town in said county, and with other persons and authorities, for the support, care and medical and surgical attendance of any paupers, idiots, sick, diseased or maimed persons.

§ 227. The department of charity may authorize their clerk to commence and carry on and defend in their name all proceedings authorized by the laws of this State to be commenced and carried on and defended by the overseers of the poor of towns, and to serve in their name and to accept service of all notices that may be served by or upon such overseers of the poor.

§ 228. It shall be the duty of the department of charity and of the clerk thereof to deposit forthwith with the city chamberlain any and all moneys received by it or him from any source whatever belonging to the city or to said department, and the city chamberlain shall credit the same to the poor fund.

§ 229. Whenever any emergency requires the department of charity to expend for the support and maintenance of the poor more than the amount of its estimate for the year, it shall certify the fact to the common council with its estimate of the additional amount required to defray its probable expenses for the

Issue of mayor's note. balance of the fiscal year, and the common council shall thereupon order the mayor to issue his notes for the additional amount so required and the proceeds of said notes shall be credited by the city chamberlain to the department of charity to be used only to defray its current expenses. The unexpended balance of the contingent fund at the end of the fiscal year shall be applied in payment of said notes so issued for the benefit of the department of charity, and the balance of said notes remaining unpaid after the application of such part of the contingent fund as aforesaid shall be added to the tax levy of the ensuing year.

Payment of same.

TITLE X.

Department of Assessments.

Department. § 230. The department of assessments shall be composed of all officers making general and local assessments.

Assessors. § 231. The assessors.—The assessors of said city shall be three in number, who shall compose a board to be called the "board of assessors," which shall make all general assessments, all of whom shall be appointed by the mayor, and one of whom shall be appointed, designated and known as the chief assessor and shall act as chairman of said board, and of the other two, one shall be known as the assessor of the first, third, fifth and seventh wards, and shall be a resident of one of said wards, and the other shall be known as the assessor of the second, fourth, sixth and eighth wards, and shall be a resident of one of said wards.

Annual appointment and term. § 232. The chief assessor or one associate assessor shall be appointed by the mayor in the month of January in each year, beginning with the year eighteen hundred and ninety-six, and the term of office shall be three years. Upon the expiration of the term of any assessor thereafter, a successor shall be appointed by the mayor, for such term that the term of one assessor shall end on December thirty-first, in each year.

Removals and vacancies in office. § 233. Any assessor may be removed from office by the mayor for cause, after opportunity shall have been given him to be heard, and vacancies in the office of assessor shall be filled by appointment by the mayor for the remainder of the unexpired term.

Powers of assessors. § 234. The said assessors shall possess all the powers and authority and be subject to all the obligations of town assessors, and shall make the assessment-rolls of said city in the same manner as such town assessors except as herein provided.

Between the first days of April and June of each year, they ^{Assessment-roll} shall proceed to ascertain by diligent inquiry the names of all the taxable inhabitants in the city, and also of all the taxable property real and personal within the same. They shall prepare two general assessment-rolls of said city, one of all the taxable property in the first, third, fifth and seventh wards, and one of all the taxable property in the second, fourth, sixth and eighth wards, in which they shall set down, in separate columns and according to the best information in their power, the names of all the taxable inhabitants in said wards, the number of the block and lot and the number of the great lot, if any, on which the land described is situated, or the assessors' subdivision thereof; a brief description of the land to be taxed to each person, giving the quantity thereof, where the land is farming land, ^{Description of lands, etc.} and also, when practicable, the street and street number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts shall be given; the full value of such land according to the definition of the term land as given by law, and the full value of all the taxable personal property owned by such person after deducting the just debts owing by him. Where the description of land by the block and lot can not be given they may describe the same in said assessment-rolls by assessors' subdivisions; and said assessors are hereby authorized to describe any lot or parcel of land by the assessors' subdivisions, providing a map thereof has been made by the city engineer under the direction of the common council and filed with the "board of assessors." The assessors shall complete said assessment-rolls on or before the ^{Completion of roll.} fifteenth day of June in each year and shall make an original and copy thereof to be left at their office. They shall forthwith ^{Notice of completion and review of assessment.} cause notices to be published in the official papers of said city daily for two weeks, setting forth that the assessors have completed their assessment-rolls, and a copy thereof is left at their office in the city hall where the same may be seen and examined by any person interested after the fifteenth day of June and until the first secular day of July, and that on the latter named day the assessors will meet at their office in the city hall to review their assessments.

§ 235. After the said assessors have reviewed their assessments, ^{Verification of rolls.} they shall foot the assessment-rolls and the said assessors, or a

majority of them, shall severally appear before any officer authorized by law to administer oaths, and shall severally make and subscribe before such officer the oath in the form prescribed by law in such cases, which oath shall be written or printed on such rolls, signed by the assessors and certified by the officer. The assessment-rolls so verified, with all other papers required by law to be filed, shall be delivered to the clerk of said city on or before the tenth day of July in each year.

Delivery to
city clerk.

Notice of
completion
and delivery
of rolls.

§ 236. When the assessment-rolls are so finally completed and verified by the assessors, and so delivered to the city clerk, the assessors shall forthwith give public notice by posting the same in at least three public places in said city, and by publishing the same at least three successive days in the official papers, that such assessment-rolls have been finally completed and delivered to the city clerk, and that the same will be open to public inspection at the city clerk's office for fifteen days.

Extension
of tax.

§ 237. The city clerk shall, without delay, compute the ratio and extend the tax upon the assessment-rolls, and the common council shall, on or before the thirty-first day of July in each year, confirm said assessment-rolls, and the same shall be delivered by the city clerk, with the warrant thereto attached, as provided by this act, to the city chamberlain on or before the first day of August in each year.

Confirmation
of rolls
and delivery
to chamberlain.

Salary of
assessors.

§ 238. The chief assessor shall have a salary of twelve hundred dollars per annum, payable monthly, and the other members of said board shall each have a salary of four hundred dollars per annum, payable August first in each year.

Chief assessor,
his office and
business hours.

§ 239. The chief assessor shall keep his office in the city hall (which shall also be the office of the department of assessments) and the same shall be kept open from ten to twelve o'clock in the morning and from two to four o'clock in the afternoon on all business days, except when said chief assessor shall be engaged in the examination and valuation of the real property of the city.

Delivery of
copies of
roll to
supervisors.

§ 240. The chief assessor shall make two copies of the assessment-rolls so made as aforesaid, and certify the same to be correct, and deliver the same to one of the supervisors of the city on or before the first day of November in each year, which shall be presented and delivered by said supervisor to the board of supervisors of Oswego county as and for the town rolls of said

city, and no other such rolls shall be made. The chief assessor shall prepare all assessment-rolls required for the use of the board of assessors, and a copy thereof, and shall deliver the said rolls and copies to the city clerk as required by this act.

Chief to prepare roll, etc.

§ 241. All descriptions of real estate contained in said assessment-rolls shall be carefully examined by him, and all mistakes therein corrected. He shall, as often as once in each week, procure from the county clerk's office memoranda of all conveyances recorded or left for record therein, and affecting land situated in said city, of the parties thereto and of the lands affected thereby, and shall enter the same in a book to be kept by him for that purpose in his office, and which shall be open at all suitable times to public inspection.

Description of real estate.

Memoranda and record of conveyances.

§ 242. He shall give notice by mail, postage prepaid, to each person, company or corporation whose name appears on a local assessment-roll, of the fact of such assessment, the amount thereof, together with the time and place of reviewing the same and hearing the parties who are interested in relation thereto.

Notice of local assessments.

§ 243. The chief assessor shall promptly post on the bulletin board in the rotunda of the city hall a copy of each and every public notice pertaining to any local assessment, and shall at all times keep in his office a scrap book, in which shall be affixed or pasted copies of every public notice which the department of assessments, or any member thereof is by law required to give or publish, and shall keep the same at all times properly indexed.

Posting of same.

Preservation of copies of notices.

§ 244. Whenever the mayor shall be of the opinion, on written representations made to him, that any assessor is personally interested in any local assessment or improvement, by this act authorized, whereby said assessor may be assessed or taxed fifty dollars or more, and he shall so determine, he shall thereupon appoint a disinterested freeholder of the city to be an assessor in the place of any assessor so disqualified, for the purpose of making said assessment, as a member of the "board of local assessors." The city clerk shall thereupon notify the assessor so chosen of his appointment. Every person so appointed assessor shall, within five days after written notice of his appointment, take and subscribe the constitutional oath of office. Every person so appointed and qualified shall possess all the power and authority of an assessor under this act in

Disqualification of assessors, proceedings upon.

respect to said assessment, and shall receive such compensation therefor as the common council shall fix.

Violation or neglect of duty.

§ 245. Any assessor shall forfeit to the city one hundred dollars for any and every neglect or violation of his official duty. If any assessor shall refuse and neglect to perform his duty as such, the mayor may declare his office vacant, and appoint a qualified person to fill the vacancy for the unexpired term.

Maps, survey etc. for department.

§ 246. The common council may from time to time direct the city engineer to prepare and furnish to the department of assessments for its use maps, surveys and other data of any real estate in the city, or to prepare a roll or rolls of any real estate in the city, for the use of the assessors exclusive of the valuation. The common council may also take such measures as they shall deem expedient to make the department of assessments the repository of such maps, surveys and other data as may facilitate a full and accurate description of the real estate in the city and direct the manner of keeping them.

Correction of assessment-rolls.

§ 247. The common council are vested with power to correct the assessment-rolls in the same manner as a board of supervisors may by law correct the town rolls of their county. The city clerk or city engineer under the direction of the council, shall correct all clerical errors in the description or valuation of property on said rolls and erroneous descriptions of real estate therein.

Local Assessments.

Board of local assessors.

§ 248. The chief assessor, the city engineer and the city clerk shall compose a board to be called "the board of local assessors," which board shall make all local assessments and perform all the duties required by this act to be performed in regard to the making of local assessments and without extra compensation therefor. The chief assessor shall be chairman of the board of local assessors, and shall prepare all rolls and copies of rolls of said local assessments.

Chairman.

Board to make assessments.

§ 249. All local assessments of the expense, or any portion thereof, of any of the improvements authorized by this act to be made, shall be made by the board of local assessors, or a majority thereof.

Meetings of board.

§ 250. The said board of local assessors shall meet at the office of the board of assessors as soon as practicable after any local assessment is ordered, and may, if necessary, adjourn from time

to time. They shall make an assessment-roll of said local assessment, in which they shall set down, in separate columns and according to the best information obtainable by them, the names of all the owners or occupants of the lands assessed, the number of the block and lot and the number of the great lot, if any, on which the land described and to be assessed is situated, or the assessors' subdivision thereof; a brief description of the land to be taxed to each person, giving the quantity thereof, where the land is farming land, and, when practicable, also the street and street number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street or streets on which it fronts shall be given, and the amount of the expense of such local improvements assessed on each piece of property apportioned as equitably as may be. When such roll is finished they shall publish a notice in the official papers for five days of a time when they will meet, at the expiration of said five days, to review such assessment, and shall designate the assessors' office as the place where such review will be made and where said roll may be seen and examined by any person interested therein. They shall have the same power to make corrections in such assessment-roll as the board of assessors have in case of the assessment of the general tax. After such review of said assessment-roll they shall complete the same, and shall deliver a correct copy of the roll, duly certified, signed by all, or a majority of said board, to the clerk of the city within twenty days after their first meeting.

Assessment-roll.

Notice of completion and review.

Correction of roll.

Completion and delivery of copy to city clerk.

§ 251. Any person interested may appeal to the common council for the correction of such assessment. Such appeal shall be in writing, stating in detail the grounds for such appeal, and shall be delivered to the clerk of the city within ten days after the corrected copy of the assessment-roll is delivered to the city clerk. If there be no appeal, the assessment-roll shall be confirmed by the common council. In case of an appeal the common council shall appoint a time within ten days thereafter for a hearing of such appeal, and shall cause a notice thereof to be published in the official papers for three successive times prior to the date of such hearing. After such hearing the common council shall have power to correct such assessment or to annul the same, and direct a new assessment to be made in the manner hereinbefore directed, which shall be final and conclusive on all

Appeals.

Hearing.

Correction and confirmation of rolls.

parties interested, in case the common council confirm the same. If the common council shall set aside the last aforesaid assessment, all the proceedings in the matter shall be null and void. The second assessment shall be made, and an appeal thereon may be taken in the same manner as on the first assessment. If no appeal be taken from any such assessment, it shall be confirmed.

Delivery of roll with warrant for collection.

§ 252. As soon as the common council has confirmed an assessment-roll for any local assessment, it shall cause a warrant to be annexed under the hand and seal of the mayor, commanding the city chamberlain to collect from the several persons named or property described in said assessment-roll the several sums levied in said roll, and the said roll with the warrant so annexed shall be delivered to the city chamberlain. The city chamberlain shall thereupon proceed to collect the several sums levied and assessed in the said local assessment-roll in the same manner as in the case of the general city assessment-rolls, and all the provisions of this act relative to the collecting of the general city assessment and the sale of lands for the non-payment of such assessments shall apply to any such local assessment-roll, except so far as the same are modified by the provisions of this act.

Collection of assessments by chamberlain.

Credit for amount of assessment.

§ 253. The city chamberlain at the time that the common council confirms any local assessment and places the same in his hands for collection shall give the department of works credit for the full amount of such local assessment by transfer of the said amount from the contingent fund. All sums collected from local assessments shall be placed to the credit of the contingent fund.

Street grades established.

§ 254. The grades of the several streets within said city heretofore determined are hereby declared to be established grades of said several streets respectively. Whenever the established grades of any street, lane, alley or other highway shall be altered by the common council under the provisions of this act, the owner of any lot or house upon such street, lane, alley or other highway may claim damages therefor and present his claim to the common council and the common council shall thereupon direct the board of local assessors to ascertain all such damages and assess the same as herein provided upon the real estate benefited by said alteration.

Alteration of grades.

Assessment of damages.

§ 255. Whenever the board of local assessors shall be of the opinion that any owner or owners of land situated on any street, alley, lane or highway to be graded or leveled will sustain damages over and above the benefit which may accrue to said owner or owners of such land by such improvements, they may assess such an amount as they may deem a reasonable recompense to such owner or owners thereof, upon the real estate benefited by such improvement, in proportion to the benefits resulting thereto, as nearly as may be; and the said assessors may add said amount to the assessment-roll which they are hereby required to make, and certify the said amount to the common council at the time of delivering their roll to the city clerk as aforesaid.

Assessment of damages over and above benefit.

§ 256. In case any assessment shall prove insufficient to defray the expenses of the improvement for which it was made, the common council may direct the board of local assessors to make a further assessment for the amount of the deficiency; such further assessment shall be founded on the first roll, and the like proceedings shall be had thereon as though it were an original assessment. If, on any assessment, too large an amount shall be raised, the excess shall be refunded ratably to those from whom it was collected.

Assessment for deficiency.

§ 257. Any and all property within the city of Oswego, exempt by the laws of the State from city, county and State tax shall nevertheless be liable to be taxed for local improvements in like manner and to the same extent as all other property within said city.

Exempt property liable to taxation.

§ 258. Neither the department of works nor the common council shall order any local improvement when the cost thereof, as determined by the department of works and the city engineer, shall exceed ten thousand dollars, unless a majority of the owners of the property liable to assessment therefor, or the owners of one-half in value of the property affected thereby, shall petition in writing to said department of works or the common council for such local improvement or consent thereto in writing.

Consent of property owners.

TITLE XL

Assessment and Collection of Taxes for City Purposes, and of the Funds of the City.

Audit of accounts. § 259. The common council shall examine, settle and allow all accounts chargeable against the city, as well of its officers as of other persons, except as herein otherwise provided; and shall have authority to direct the raising of such sums as shall be necessary to defray the same, and the contingent and other expenses of said city, subject, nevertheless, to the limitations and restrictions hereinafter contained.

Power of council to raise money.

Annual tax levy. § 260. The common council shall annually direct and cause to be raised by a general tax the following several sums for the objects and purposes and constituting the several funds specified:

Highway fund. 1. Highway fund.—A sum not exceeding twenty-one thousand dollars, to defray the expenses of repairing and improving streets, roads, highways, wharves, sewers, parks and public grounds, and for the making and repairing of bridges, culverts and crosswalks in said city.

Public light fund. 2. Public light fund.—Such sum as the department of works shall estimate and certify to the common council as required for lighting the streets, alleys and avenues of the city and the public buildings owned or occupied by the city or any of its departments, based upon any contract in force for such lighting.

Sidewalk fund. 3. Sidewalk fund.—A sum not exceeding one thousand dollars for constructing, relaying and repairing sidewalks in anticipation of local assessments which shall be made therefor.

School fund. 4. School fund.—Such sum not exceeding forty thousand dollars, nor less than twenty-five thousand dollars, as the department of education shall direct to be raised for the support of the public schools of said city, and defraying all expenses incidental thereto.

Police fund. 5. Police fund.—A sum not exceeding fourteen thousand dollars, except under the conditions provided by this act, to defray the expenses of the police department of said city.

Fire protection fund. 6. Fire protection fund.—A sum not exceeding eighteen thousand dollars, to defray the expenses of the fire department of said city.

Poor fund. 7. Poor fund.—Such sums as the department of charity shall estimate as necessary for the support of the poor chargeable to

said city, and all expenses incidental thereto, and the payment of the salary of the officers or agents of the city charged with its administration, for one year, subject to the limitation of this act. In the first assessment under this title, and annually thereafter, the common council shall include the indebtedness of the city, if any, on account of the relief and support of the poor which may be found to exist at the time of making the annual assessment, and for the payment of which no provision shall have been made, which last-mentioned sum shall be raised in and by said assessment, in addition to the other sums herein provided.

8. Water supply fund.—Such sum as the common council shall estimate as required for supplying water to the city for all public purposes, based upon any contract in force for furnishing the same.

9. Contingent fund.—A sum not exceeding ten thousand dollars, for defraying all the other expenses of the city, contingent or otherwise, not hereinbefore enumerated, to be disbursed upon the order of the common council.

§ 261. Library fund.—The common council are hereby restricted, in making appropriations for and on account of the expenses of the city, in the last preceding section of this title mentioned, to the sums that are or may be authorized to be raised therefor by the said section, or by this act, except that they are authorized, if in their judgment the interest of the public require it, to raise annually an additional sum not exceeding seven hundred and fifty dollars to defray the expenses of warming, lighting and maintaining the Oswego city library, and paying the salary of the librarian thereof, to be paid over to and expended under the direction of the trustees of said Oswego city library. And in case the common council or any department shall authorize any expenditure for any purpose, during any fiscal year, exceeding the amount of the fund or funds under its control, not otherwise authorized by this act, the city of Oswego shall not be liable to pay the same, nor shall the common council or any department audit or pay any debt so contracted or expenditure so authorized.

§ 262. All sums herein authorized to be raised shall be fixed on or before the first day of July in each year. The common council shall annually cause to be made up and published with its proceedings an estimate in detail, under appropriate heads, of the expenditures of the city in the various departments of the gov-

ernment thereof for the current fiscal year, together with a statement of all receipts and probable income of the city during the same period.

Current
expenses,
may bor-
row
money
for.

§ 263. The common council of the city of Oswego is hereby empowered to borrow money upon the credit of the city for current expenses upon notes of the mayor to be issued therefor. The amount so borrowed shall not exceed one-half the amount of the general city assessment for the preceding year, and shall be paid out of the receipts of the next general city assessment levied or collected after the date of such borrowing, and each and every of such notes shall be made payable on or before September fifth of the same year in which it is issued.

Assess-
ment of
tax.

§ 264 The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the city, according to the valuation of the same in the assessment-rolls of the current year filed by the city assessors after said roll shall be corrected as herein provided for, excepting that the lands comprehended within the bounds of the city and without the bounds of the former village of Oswego, and which are kept and used as wood-lands, meadow-lands, for horticultural or nursery purposes, pasture, orchard, and in general all lands that are kept and improved as farming lands, with their appurtenances, shall not, so long as they are so kept and used, be taxed for the benefit of said city, except as hereinafter stated, unless such lands, though used as aforesaid, shall be so used in quantities not exceeding five acres in one parcel and belonging to one proprietor; provided, also, that the laying out or opening of any new street shall not be construed as dividing said lands in parcels of five acres, so long as the same continue to be used as aforesaid by one proprietor. But such lands shall, in common with the other taxable property of the city, be liable to taxation for the sums and objects enumerated in subdivisions one, four, seven and nine of section two hundred and sixty of this act, and also for the payment of the sums which the common council, in their annual statement, require for the payment of bonds and coupons and notes, other than those issued in anticipation of taxes of said city, and for the Oswego city library.

Time of as-
sessment.

§ 265. The said assessment shall be made by the common council at some meeting thereof on or before the twenty-first day of July in each year.

§ 266. All local taxes and assessments imposed for any purpose by the common council under any of the provisions of this act shall be liens on the real estate on which they are assessed, in the same manner and to the same extent as the general annual tax of the city. The common council are hereby required to add to the amount and include in the roll of any such local tax or assessment, as ascertained by them or under their authority, the fees which any officer shall be entitled to for making such assessment, together with the expenses of posting and publication of any notices required to be given in the proceedings thereon or prior thereto, and all such further and other proceedings may be had for the collection of and accounting for the said taxes as are herein provided for the collection and accounting for the general tax. Local taxes and assessments.

§ 267. Every tax or assessment, for whatever purpose imposed, charged upon any real estate within the city by virtue of any provision of this act, shall be a lien upon the real estate so charged from the time of the filing of the roll containing the same with the city clerk for five years after such filing. Lien of taxes and assessments.

§ 268. If any real estate heretofore sold by the city clerk at any tax sale for unpaid taxes shall not have been redeemed within fifteen months after the sale, the common council may grant upon application and proof of service of all notices to redeem such real estate required by the provisions of this act, to the purchaser, his legal representatives or assigns. a declaration in writing under the corporate seal, signed by the mayor and attested by the clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration may be recorded as a lease of real estate, and shall be presumptive evidence in all courts and places that such tax and assessment was legally imposed and that the proceedings to authorize such sale were correct, and such grantee may obtain possession thereof in the manner prescribed by law in relation to the persons holding over demised premises after the expiration of their terms without the consent of their landlords; and shall have, hold and enjoy the said premises during the term for which the same were granted, to be computed from the expiration of Declaration of tax sale, granting of, etc. Effect thereof.

fifteen months after the day of sale thereof, free and clear from all claims and demands of any other owner or occupant of the same, but subject, however, to the lien of all taxes and assessments that may have been charged or levied thereon at the time of such sale or at any time thereafter; and at the expiration of such term, such grantee, his heirs or assigns, may remove any building or fixture that may have been erected on the said premises during the said term. The register of all declarations of sale granted pursuant to this section, shall hereafter be kept by the city chamberlain.

Register of
declarations.

Original
certificates
of sales
heretofore
issued.

Declaration
of sales,
restrictions
as to
granting.

§ 269. The original certificates of sale for unpaid taxes heretofore issued by the city clerk shall be presumptive evidence of the facts therein contained. Such certificate shall be assignable by the purchaser or his legal representatives, and such assignments shall be acknowledged or proven in the manner required by law to entitle deeds of real estate in Oswego county to be recorded therein. The common council shall not grant a declaration of sale to any one claiming to be the assignee of any such certificate unless all the assignments necessary to prove his claim thereto be produced and found to be regular, and be filed with the city chamberlain; nor shall they grant any such declaration in any case without the production and canceling and filing with the city chamberlain of the original certificate of sale, unless the loss or destruction of any such certificate or of any such assignment be satisfactorily established by the oath of one or more persons before the council or committee thereof.

Redemption
of lands
heretofore
sold.

§ 270. Any owner or any claimant of any parcel of any real estate heretofore so sold by the city clerk, or of any specific part or undivided interest in a share of such parcel, may at any time after such sale redeem the same by paying to the purchaser, his representatives or assigns, or to the city chamberlain for his or their benefit, the amount paid by him, with the addition of twenty per centum per annum on such amount up to the first day of January, eighteen hundred and ninety, and six per centum per annum thereafter, and the expenses of any publication and all other expenses incurred by him or them and allowed by this act; and on such payment being made, the title acquired by such sale shall cease and determine. Non-resident owners may appoint agents residing in the city, and the names of such agents

Agents for
non-resi-
dents.

shall be registered by the chamberlain in a proper book to be provided by him and kept in his office. At any time after twelve months after the sale of any parcel of land for any tax or assessment, the purchaser, his representative or assigns, shall give notice to the owner, requiring him to redeem the premises in three months thereafter by making the payment above required. If such owner be a resident of the city, the notice shall be served on him personally; if he be not a resident of the city, the same shall be personally served on his registered agent, if he have one; if he have no such agent, then on the person in possession of the premises, and if there be no person in possession thereof, then by publishing the same three several times in one of the official papers of the city. If the owner shall not redeem the land in three months after any such service or the first publication of any such notice, his right of redemption shall be thenceforth divested; and an affidavit of any such service or publication taken before any officer authorized to take affidavits to be read in courts of record, and filed in the office of the city chamberlain, shall be presumptive evidence of the facts therein contained.

Notice to
redeem
land.

Right of
redemption
when
divested.

Proof of
service of
notice.

§ 271. All and singular the provisions of the act, entitled "An act authorizing mortgagees to redeem real estate sold for taxes and assessments," passed May fourteenth, eighteen hundred and forty, except so far as they are inconsistent herewith, are hereby declared to apply to all sales of real estate for taxes or assessments heretofore made by the city clerk. The clerk of Oswego county, when thereunto requested by the owner of any such certificate or declaration of sale shall search and certify the title of and incumbrances upon the real estate therein described, and shall be entitled to and receive therefor the fees allowed by law. On a redemption under this title, by whomsoever made, the person redeeming under or defeating the sale shall pay to the purchaser, his representatives or assigns, the amount of the bid, together with twenty per centum per annum thereon to January first, eighteen hundred and ninety, and six per centum thereafter, and all expenses actually incurred for searches of title, newspaper publication and notarial fees, and twenty-five cents for every notice served and thirty-seven and a half cents for every affidavit made and filed in pursuance of this title.

Redemption
by mortgagees.

Searches
of title.

Payments
upon re-
demption.

Fiscal year.

§ 272. Beginning with the first day of January, eighteen hundred and ninety-six, the fiscal year shall commence on the first day of January of each year. The estimates for the several funds and sums to make up the tax levy for eighteen hundred and ninety-five shall be made for the term beginning February twentieth, eighteen hundred and ninety-five, and ending December thirty-first, eighteen hundred and ninety-five, and shall not exceed for each fund such proportion of its limit as the time covered by said levy bears to a whole year. Thereafter such estimates shall be for the fiscal year as above provided.

Estimates for tax levy in 1895.

Council to certify to supervisors amount to be assessed.

§ 273. It shall be the duty of the common council during the month of November in each year to certify to the board of supervisors of the county of Oswego a sum not less than twenty-five thousand dollars nor more than thirty-five thousand dollars, to be assessed against the real and personal property in the city of Oswego by said board of supervisors, in the city and county assessment-rolls for that year. It shall be the duty of said board of supervisors to assess and levy on said rolls the sum so certified, and in the warrants attached to said rolls to direct the city chamberlain to retain in his hands as such city chamberlain for the use of the city of Oswego, from the moneys collected by him upon said rolls, the said sum so assessed against the real and personal property in said city. One-half of said sum shall be so retained and applied by him on or before the first day of February, and the other half on or before the first day of March in each year. The sum so to be retained and applied by the city chamberlain shall not be subject to any deductions by reason of a failure to collect the whole amount levied and assessed upon said assessment-rolls.

Assessment and collection of tax.

Credits to departments in anticipation of tax.

§ 274. On the first day of January in each year, in anticipation of the receipt of taxes from said city and county assessment-rolls, the city chamberlain shall credit to each department as follows: Department of works, four thousand dollars; department of education, six thousand dollars; department of fire and police for fire protection fund, three thousand dollars, and for police fund, three thousand dollars; department of charity, three thousand dollars, and the balance of said sum named in said warrant to the contingent fund of said city.

Transfers of balances.

§ 275. Upon a requisition in writing of any department, showing a necessity therefor, the city chamberlain with the written

concurrence of the mayor may transfer, at any time, prior to the time of fixing the amount of the general tax for that year, the credit balance or any part thereof standing to the credit of any department or fund on account of the receipt of taxes from the said State and county rolls to any other department or fund requiring the immediate use of the same.

§ 276. In making up the amount of the tax levy for the current year, the sum included therein for any department or fund shall be the amount fixed for said department or fund according to the provisions of this act, less the net amount credited to said department or fund from the receipts from the last preceding State and county assessment-rolls. Tax levy for departments or funds.

§ 277. Each and every unexpended balance to the credit of any department or fund on the thirty-first day of December in each year, beginning in eighteen hundred and ninety-five, shall revert to the credit of the contingent fund and be transferred to said contingent fund upon the books of the city chamberlain. Such balances shall be determined by the city chamberlain, who shall ascertain the amount of all valid orders issued or drawn by the several departments chargeable to their respective funds for the fiscal year and not yet presented to him for payment, and he shall keep a sufficient amount to the credit of each of said funds against which said orders were drawn to pay the same, and only the balances thereafter shall be transferred to the contingent fund. Transfer of unexpended balances.

§ 278. In case any taxable land in said city has been omitted in the tax or assessment-rolls of said city for any of the three preceding years, the board of assessors may insert in the tax or assessment-rolls for the current year, in addition to its share of the tax or assessments for such year, the proportion of the taxes or assessments it should have borne in such preceding years, stating such additional taxes or assessments separately, and such additions shall be collected as part of the tax of the current year. Addition of omitted taxes to rolls of current year.

§ 279. If the tax or assessment-roll be amended or corrected as provided by this act, the tax or assessment as inserted in the tax or assessment-roll for the current year shall be a lien on said real estate, and be collected in the same manner as the taxes or assessments for the current year, if the real estate remains the property of the person or party to whom it should have been taxed or assessed in such former roll or rolls. But if, since said Tax, etc., upon amended rolls, liens.

Collection
in case of
change of
ownership.

former roll or rolls were completed, said real estate has been sold to a bona fide purchaser, ignorant that such real estate has been omitted from such former roll or rolls, then such tax or assessment shall not be a lien on such real estate, but may be levied or collected by the city chamberlain from the personal property of the person or party taxed or assessed therefor, in the roll of the current year, or may be collected from such person or party, or his or their personal representatives, by action in the name of the city, with the costs of the suit.

Examina-
tion of
persons
as to real
estate.

§ 280. The board of assessors of the city of Oswego, or any member thereof, may serve or cause to be served upon any resident of said city a written or printed notice requiring such resident to appear before said board, at a time and place to be specified in said notice, not less than three days after the service thereof, and answer on oath as to any real estate in said city, the location and description thereof, owned or occupied by him, or in which he or she has any interest personally, or as executor, guardian, trustee or otherwise, or of which he is agent, and the name of the owner, executor, guardian, trustee or agent. The said board of assessors, or any member thereof, may administer such oath. Any resident of said city neglecting or refusing to appear as required by such notice, without sufficient excuse therefor, or who shall refuse to be sworn or to answer pertinent questions, shall for each and every such neglect or refusal be subject to a penalty of not less than five dollars nor more than fifty dollars, to be sued for and recovered in the name of the city of Oswego, with costs of prosecution; and any person who shall willfully and knowingly swear falsely in answer to any such questions shall be deemed guilty of perjury, and shall be liable to the punishment prescribed by the laws of this State for perjury.

Penalty
for refusal
to appear,
etc.

Perjury.

Amount of
unpaid tax-
es and sales
to be added
to rolls.

§ 281. The common council shall annually, in making up the amount of the tax levy for the current year, add to the total of all the sums by law authorized to be raised the amount of city taxes remaining uncollected upon the tax-rolls of the preceding year, less the amount received since the time of making up the amount for the preceding tax levy, for or on account of the unpaid city taxes of any previous years, or for or on account of the sale of any lands bid in by the city at the sales for any such unpaid taxes. If the amount received for such unpaid taxes and sales of land as aforesaid shall in any year exceed the amount

Proviso if
collections
exceed un-
collected
taxes.

of such uncollected taxes for that year, the excess shall be deducted from the said total of all sums by law authorized to be raised.

§ 282. The sum rated and assessed upon the property of each person, company, corporation and association shall be set opposite the name of such person, company, corporation or association respectively, and in the last column of the tax-roll when corrected, completed and filed with the city clerk, and shall be a lien on the real estate described therein. After the tax-rolls for the general tax shall have been confirmed by the common council, the city clerk shall without delay extend the tax and deliver the same to the city chamberlain on or before August first in each year, who shall forthwith cause a notice to be published in the official papers that the same have been left with him for collection.

Assessment roll.

Extension of tax and delivery of roll by clerk.

§ 283. If a sum of money in gross has been or shall be taxed upon any lands or premises, any person or persons claiming any divided or undivided part thereof may pay such part of the sum of money so taxed, also of the interest and charges due or charged thereon, as the said city chamberlain may deem to be just and equitable, and the remainder of the sum of money so taxed, together with the interest and charges, shall be a lien upon the residue of the land and premises only, which residue may be sold to satisfy the residue of such tax, interest and charges, in the same manner as though the residue of said tax had been imposed upon the residue of said lands or premises.

Payment of taxes upon portions of lands.

Remainder lien on residue.

§ 284. To each of such assessment-rolls so to be delivered to the city chamberlain as aforesaid shall be annexed a warrant, under the hand of the mayor and the seal of the city, commanding the city chamberlain to collect from the several persons named in the assessment-rolls the several sums levied as taxes in the columns of said rolls, according to the provisions of this act.

Warrant for collection of taxes.

§ 285. The said assessment-rolls, with the warrants annexed, shall be delivered to the city chamberlain on or before the first day of August in each year. Said warrants shall specify the purposes and funds for which such tax is levied and the amount of each fund. Each of said funds shall be credited by the city chamberlain to the department having the expenditure thereof.

Rolls, when delivered

Warrants, what to specify.

Fees for
collections.

§ 286. Up to the first day of September thereafter every person, corporation or association may pay his, her or their tax to said city chamberlain without any additional charges. During the month of September three per centum fees shall be added to the tax and collected by the said city chamberlain, and after the expiration of such last-named period five per centum fees shall be added to the tax and collected by him.

Notice to
pay tax
and fees.

§ 287. If any such tax shall remain unpaid on the first day of October after the delivery of the assessment-rolls and warrants, the city chamberlain shall before the tenth day of October in each year cause a written or printed notice to be given to every person resident within the city from whom such tax may be due, specifying the amount of the tax and the fees as herein provided, and requiring the same to be paid on or before the thirty-first day of October of the same year, at his office.

Service of
notice.

Such notice shall be served on the persons assessed by depositing the same in the Oswego post-office, inclosed in envelopes directed to the persons assessed respectively, at Oswego, New York, and paying the postage thereon. If any of the persons assessed shall be known by the city chamberlain to reside in any other place, then notice shall be directed to such other place. It shall not be necessary to make any other demand of payment of said taxes.

Collection
of unpaid
city taxes

§ 288. From the thirty-first day of October the fees shall be one per centum per month in addition to the five per centum aforesaid, and it then shall be the duty of the city-chamberlain to proceed with the collection of the city taxes then remaining unpaid in the manner as provided in this act for the collection of county and State taxes, the conditions and provisions of which shall be applicable to the city taxes, except as herein otherwise provided.

Warrants
for collec-
tion of city
taxes.

§ 289. The warrants for the collection of city taxes issued by him to the officers named shall bear uniform date and be for a definite period, and may be renewed or extended by him, from time to time, for a definite period or periods, but which periods shall not extend beyond the first day of March next following.

Review and
correction
of lists of
unpaid city
taxes.

In case any of said taxes remain unpaid after the foregoing proceedings have been taken, the list of all the unpaid city taxes on all the rolls, including the rolls for local assessments shall be delivered by the city chamberlain to the assessors of the city, and they, or any two of them, shall immediately review such

assessments and correct all errors of every description which may have been made either in the original assessments or subsequent proceedings, and shall make correct and full descriptions of the several parcels of land. They shall also have power to insert in such revised roll any real estate in the city which may have been omitted in the general rolls, upon giving two days' notice thereof to the owner or agent of such property. They may add to said roll, with proper corrections, any unpaid assessments for sidewalks or other local improvements assessed during the then next preceding year.

Addition to revised rolls.

§ 290. They shall complete such revision within ten days, and two or more of said assessors shall subscribe to the same, and shall give public notice that they will meet at the assessors' office at the end of ten days, to be designated by them, to hear objections and to correct any errors which may have been made. Such notice shall be given by publishing the same for at least five days in the official papers of the city. They shall, within ten days, complete such correction and subscribe the same, and deliver the corrected rolls to the city chamberlain. The city chamberlain shall add to said rolls the amount of taxes assessed against the several persons or parcels of land, designating assessments for local improvements separately from the others, and file a certified copy thereof in the clerk's office of Oswego county.

Completion of revision and notice of hearing.

Addition of taxes and assessments to rolls.

§ 291. It shall be the duty of the city chamberlain of the city of Oswego in each year, immediately after the corrected lists of unpaid city taxes shall have been filed by him in the clerk's office of Oswego county as herein provided, to make and retain in his office a copy thereof, adding to each one of such unpaid taxes the sum of fifty cents for filing and reassessing the same, together with the fees enumerated in this act.

Chamberlain to retain copy of corrected lists.

Fees to be added

§ 292. The said city chamberlain shall thereupon proceed to collect all said unpaid taxes as follows: Whenever any such tax charged on real estate in said city, and the interest thereon at the rate of twelve per centum per annum, to be computed from the thirty-first day of October, when such tax was payable, with the fees and expenses prescribed herein, shall remain unpaid upon the first day of May next following said thirty-first day of October, the city chamberlain shall proceed to advertise and sell such real estate in the manner hereinafter provided for the

Proceedings for collection of unpaid taxes.

payment of such tax, fees, interest and expenses; and the expense of advertising and selling the same shall be a charge on the land sold, and shall be added to and made a part of such tax.

§ 293. The said chamberlain shall cause to be published at least twice in each week for three weeks, in the official papers of the city, a list or statement of the real estate charged with the payment of such taxes, interest and fees so liable to be sold, and also a notice that the said real estate will, on a day at the expiration of said three weeks to be specified in such notice, be sold at public auction at his office in the city hall in the city of Oswego, to pay the taxes, interest, fees and expenses thereon which may remain unpaid at the time of such sale. The sum of fifty cents shall be added to the expenses of such sale for the cost of publishing such list and notices. On the day named in said notice the said chamberlain shall commence the sale of real estate, and shall continue such sale from day to day until so much of each parcel of said real estate shall be sold as will be sufficient to pay the tax or taxes, interest, fees and expenses thereon.

§ 294. Every purchaser at such sale shall deposit two dollars with the city chamberlain, for each piece of property bid off, at the time of the acceptance of his bid, and shall pay the amount of the balance of each bid to the city chamberlain within forty-eight hours after the sale, and thereupon the said chamberlain shall execute to each purchaser a certificate in writing, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, and that the same was sold for unpaid city taxes, designating the tax or taxes for which the same was sold. The purchaser and his heirs and assigns may at any time after the time limited in this act for the redemption of such premises shall have expired, and the notice therein provided for has been given, and said premises shall not have been redeemed as therein provided, cause the occupant of such real estate to be removed therefrom and the possession thereof to be delivered to him, in the same manner and by the same proceedings by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 295. If any purchaser at such sale shall fail to pay the amount of his bid as provided, he shall forfeit to the city of

Publication of list of lands and notice of sale.

Sale of land.

Deposit and payment of bid.

Certificate of sale.

Possession of lands, how obtained.

Failure to pay bid.

Oswego the said deposit of two dollars, and the city of Oswego shall assume such bid and be entitled to all the rights of said purchaser. If there be no bids made to the amount of the tax and the fees thereon and expenses of the sale, for any property offered for sale for taxes under the provisions of this act, the said city chamberlain shall bid in the same for and in the name of the city of Oswego, and the city of Oswego shall acquire and enjoy thereunder the same rights as any other purchaser.

Land, when
bid in by
city.

§ 296. The said certificates of sale for unpaid city taxes shall bear interest at the rate of twelve per centum for the first two years from the date of the sale upon which they are issued, and at the rate of six per centum thereafter, and shall cease to be a lien upon the land after ten years from said date. At any time before the expiration of the period given for the redemption as required in the next section of this act, the owner of or any other person interested in any real estate sold for taxes may redeem the same by paying to the city chamberlain, for the use of the owner of the certificate of such sale, the sum named in said certificate and the interest thereon as provided in this section.

Interest
and lien of
certificate
of sale.

Redemp-
tion of
lands.

§ 297. Three months' notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act, to the occupant, owner in fee, and any mortgagee of record to redeem the same; and the time for the redemption shall not expire until three months after the date of service of said notice. Such notice shall be either written or partly written and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the tax or taxes for which the same was sold, together with the amount thereof, and the costs, interest and expenses required to be paid upon such redemption, the last day of redemption of any such real estate, and that the money for such redemption can be paid to the city chamberlain of the city of Oswego. Such notice shall be served personally, or left with some person of suitable age and discretion at the residence or place of business of any and all persons entitled to such notice, if they, or any of them, reside in the city of Oswego or have a place of business therein; and in case they, or any of them, do not reside or have a place of business in said city, then such notice shall be deposited, postage paid, in the post-office at Oswego, New York, addressed to them at the post-office at or nearest their known place of residence, and the letter containing the same shall be duly registered; and

Notice to
owners and
occupants.

Service
thereof.

If the residence or address of any such person or persons be not known, then such notice shall be published at least once a week for three months prior to the day therein named for redemption, in each of the official papers of the city. The expense of mailing and publishing such notices shall be added to and become a part of the amount required to be paid for the redemption of such real estate. Such notices shall not be served nor shall the publication thereof, when required, be commenced within one year after the date of the certificate.

Convey-
ance to pur-
chaser.

§ 298. If any such real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the mayor and city chamberlain shall execute to the purchaser, his heirs or assigns, or to the city of Oswego or its assigns, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee, subject, however, to all claims the city of Oswego may have thereon for taxes or other liens or incumbrances. The said chamberlain shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar for preparing such conveyance. Every such conveyance shall be executed by the mayor and city chamberlain under their official hands and the seal of said city, and the execution thereof shall be acknowledged as required by the laws of this State; and such conveyance shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular, according to law and the provisions of this act.

Fee of
chamber-
lain.

Execution
of convey-
ance.

Reimburse-
ment of
purchase
money.

§ 299. Whenever any such purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him, by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any proceeding for the collection of any tax, the common council of said city shall reimburse the purchase money so paid, with legal interest thereon from the time of its payment, the amount thereof to be presented to and audited by the common council and paid by the city chamberlain of said city.

Actions for
recovery of
unpaid
taxes, etc.

§ 300. Whenever any city tax levied and assessed upon any person or property in the city of Oswego, with the fees, interest and expenses which may by law be added thereto, shall remain unpaid for six months after the warrant for its collection has

been placed in the hands of the chamberlain of said city, the said chamberlain may maintain an action in his name of office for the amount of such tax, fees and expenses remaining unpaid and uncollected, with interest thereon at the rate of twelve per centum per annum, to be computed from the thirty-first day of October, when such tax was payable, against any person or corporation liable for such tax, or the representative of such person or corporation, in any court of competent jurisdiction, in which the proceedings, costs, judgments and execution shall be the same and with like effect as in actions between individuals; and the amount collected by any such suit shall be used and applied by said chamberlain in the same manner as though the same had been collected by the sale of real estate. The warrant so delivered to the chamberlain shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law.

Evidence of
regularity
of proceedings.

§ 301. During the first thirty days after the assessment-roll and warrant for the collection of any local assessment shall be delivered to the city chamberlain, every person, corporation or association may pay his, her or their tax without any additional charges. During the next succeeding thirty days three per centum fees shall be added to the tax and collected by the city chamberlain, and after the expiration of such last-named period and during the next sixty days, five per centum fees shall be added to the tax and collected by him, and after the expiration of said sixty days the fees shall be twelve per centum per annum, in addition to the five per centum aforesaid. The notice required specifying the amount of the tax and the fees herein provided for in relation to unpaid city taxes shall apply to all such local assessments, and shall be served as and in the same manner, after the expiration of the second period of thirty days aforesaid, and such notice shall require payment of such taxes as then remain unpaid to be made before the expiration of the sixty days during which payment of five per centum fees are required, and it shall not be necessary to make any other demand of payment of said taxes.

Pay-
ment of
local as-
sessment.

Fees for
collection.

Notice to
pay assess-
ments, etc.

§ 302. Any person having a judgment or decree which shall be a lien on the premises at any time after such sale, or within fifteen months thereafter, may defeat the sale thereof at any

Rights of
persons
holding
judgments,
etc., to
defeat sale.

time within fifteen months after the sale, in the same manner and with the same effect as the owner or claimant of said premises may do; and shall thenceforward have a further lien on the said premises for the amount paid by him to defeat the sale thereof, with interest, which may be added to his judgment or decree, and enjoyed and enforced by him in the same manner as though it formed a part thereof. The receipt of the city chamberlain, acknowledged or proven in due form of law to entitle conveyances of real estate to be recorded, shall be evidence of such payment.

Searches
by county
clerk.

Certain
payments
upon re-
demption.

§ 303. The clerk of Oswego county, when thereunto requested by the owner of any certificate of sale issued under this act, shall search and certify the title of and incumbrances upon the real estate therein described, and shall be entitled to and receive therefor the fees prescribed by law. On a redemption under this act, by whomsoever made, the person redeeming under or defeating the sale shall pay to the owner of said certificate, his representatives or assigns, the amount bid, together with the interest thereon, as provided by this act, and all expenses incurred actually for search of title, newspaper publication and notarial fees, and twenty-five cents for every notice served, and twenty-five cents for every affidavit made and filed in pursuance of this act.

Assess-
ments not
invalidated
by certain
errors.

§ 304. No assessment of real estate in said city which shall be properly described in the assessment-rolls of said city, and which shall be assessed but once in said rolls, shall be deemed or held to be invalid by reason of the same not having been assessed to the real owner or occupant thereof, or of any mistake or error in the designation of the owner of said property, or of the same having been erroneously put among the resident or nonresident property of said city; and any tax or assessment levied thereon, and the lien thereof, and all proceedings and sales shall be as valid and effectual thereunder as though the same had been properly assessed and such errors or mistakes had not been made.

Certain
acts of
chamber-
lain a mis-
demeanor.

§ 305. It shall be a misdemeanor for the city chamberlain to accept any checks dated ahead, or to date back any tax receipt, or to resort to any device to evade the payment of any fees, interest or expenses authorized by this act to be collected upon any tax.

§ 306. All warrants hereafter issued to the city chamberlain by the common council, for the collection of any tax, shall only be limited as to the time of their return so as to conform to the provisions of this act. The common council can not renew or extend any of said warrants. All fees, percentages and interest moneys received by the city chamberlain shall be forthwith paid by him into the treasury of the city for the use of the city.

Limit of return of warrants.

Payments into treasury.

§ 307. After the city of Oswego has acquired the title in fee to any lands sold for taxes, such lands shall be exempt while so owned by said city from all taxes; and the city chamberlain is hereby directed to prepare and present to the board of assessors, on or before the first day of June in each year, a statement designating all such lands so acquired by said city since the date of his last report thereof, and the said board of assessors are hereby authorized and directed to strike such lands from the tax-rolls of the city.

Exemption of lands acquired by city from taxation.

§ 308. During the year following the acquiring of title through tax sale and the taking possession of any parcel of land by the city of Oswego, the city chamberlain shall endeavor to sell the same at private sale for cash. To that end he shall advertise for sale at private sale every such parcel of land, giving a brief description thereof, in the official papers twice a week for three successive weeks during said year. At the expiration of said year and within sixty days thereafter, the city chamberlain shall advertise for sale at public auction in the official papers, twice a week for three successive weeks immediately preceding such sale, all such parcels of land owned and possessed by the city by virtue of a tax sale, as have not been disposed of by him at private sale, stating the day and hour when he shall begin such sale at his office in the city hall, with a brief description of each parcel of land so to be sold, and that such sale will be for cash. At the day and hour named in such notice of sale the city chamberlain shall proceed to offer for sale and to sell for cash, to the highest bidder, each parcel of land so advertised to be sold. A quit-claim deed of each parcel of land so sold by the city chamberlain, whether at public or private sale, shall be given to the purchaser thereof, executed by the mayor and attested by the city chamberlain under the seal of the city and a fee of one dollar shall be charged for each of said deeds and collected from the purchaser, upon the delivery thereof, for the benefit of the city.

Sale of lands acquired by city at private sale.

Sale of same at auction.

Quit-claim deeds.

Delivery of
list of lands
sold to
assessors.

The city chamberlain, immediately after making any such sales of land as aforesaid, shall make and deliver to the assessors a list of all lands so sold by him, giving a description of each and the name of the purchaser thereof and the same shall thereafter be restored again to the assessment-rolls.

Record of
tax sales.

§ 309. The record of all sales of real estate for the collection of unpaid city taxes and assessments made in the city of Oswego prior to eighteen hundred and ninety shall be kept in the city chamberlain's office, including those made by the city clerk prior to eighteen hundred and ninety. The said chamberlain shall cancel of record all such sales made by the city clerk in the same manner and upon the same conditions as heretofore, except that all moneys paid for or on account of the redemption of any land from said sales shall be paid to the city chamberlain; provided that nothing in this act contained shall affect the rights and remedies of any purchaser at any of said sales, except that the rate of interest shall be six per centum from and after the first day of January, eighteen hundred and ninety.

Cancellation
of
sales.

Council
prohibited
from re-
funding
taxes, etc.

§ 310. The common council shall have no power or authority to rescind or annul any lawful assessment, or to refund or remit any lawful tax or assessment, or to compromise any lawful back tax or tax sale, or to refund any license fees or any part thereof received from licenses issued by the board of excise of said city.

TITLE XII

Streets, Highways, Bridges and Public Improvements.

River a
public
highway.

§ 311. All that portion of the Oswego river within the bounds of said city is hereby declared to be a public highway.

Powers of
council as
to public
improvements.

§ 312. The common council shall have power upon the recommendation of the department of works:

1. To order the laying out, making, opening, discontinuing, improving or altering, streets, alleys, highways, bridges, public parks, sewers, wharves, piers, docks, canals and slips in said city, and to order the assessment and collection of the expense thereof as herein provided.

2. To cause such streets, lanes, alleys, highways, public parks, canals, slips, wharves or docks in said city, or any part or parts thereof, as shall have been heretofore laid out but not recorded or sufficiently described, and such as shall have been used for

twenty years but not recorded, to be ascertained, described and entered of record in a book to be kept by the city clerk.

3. To authorize the construction by individuals of a wharf or wharves or piers in the Oswego river, in the harbor or elsewhere, as they shall deem for the interest of said city, and to alter, widen, contract, straighten or discontinue the same. They shall cause all streets, alleys, lanes, highways, public grounds, wharves, docks, canals and slips laid out by them or by their authority, and any and every alteration thereof so made, to be surveyed, described and recorded in a book to be kept by the city clerk, and the same, when opened and made, shall be public highways or public grounds.

4. To order upon the recommendation of the department of works any street, alley, lane or highway in said city to be graded, paved or macadamized.

5. To order upon the recommendation of the department of works the building, rebuilding, altering or repairing of any dock or wharf in the city, in such manner and with such materials as they shall deem proper; and the deepening, cleansing or repairing of any part of the Oswego river, or of any canal, basin or slip within the city (not being State property), and to assess the expense thereof on the land benefited thereby.

§ 313. Whenever any street, alley, lane, highway, public ground, canal, wharf or slip is laid out, altered, widened or straightened by virtue of this act, the common council shall give notice of their intention to take and appropriate the land necessary for the same, to the owner or owners thereof, by publishing said notice for ten days in the official papers and after the expiration of the said ten days the common council shall give notice to said owners, by publishing the same twice in each week for three weeks in the official papers, that such owner or owners may file with the clerk of the city within twenty days from the date of the first publication of such notice their claim for damages on account of such taking and appropriation; and if any such claim shall be so filed within the said twenty days, the common council shall give notice to all claimants, by publishing such notice in the official papers once in each week for three successive weeks, of an application to the county court of Oswego county for the appointment of three commissioners, resid-

Appropriation of land for improvements.

Notice to owners to file claims, etc.

Notice of application for commissioners of appraisal.

Application
and ap-
pointment
of commis-
sioners.

Oath of
commis-
sioners

Duties of
commis-
sioners.

ing in said city, to ascertain and assess the damages so claimed, which notice shall specify in general terms the improvement to be made, and the time when and place where such application will be made to said court for the appointment of such commissioners. At the time and place in said notice specified the common council, by the city attorney, shall make application to said county court for the appointment of such commissioners to ascertain and assess the damages so claimed, and said claimants shall have the right to be heard before said court. The said court shall, at the time and place designated in said notice, after hearing the parties, proceed to appoint said three commissioners to ascertain and assess the damages so claimed, and at the same time to determine what persons will be benefited by such improvement, and to assess the damages and expenses thereof upon the real estate of the persons benefited in proportion, as near as may be, to the benefit resulting to each, by a rule to be entered in the minutes of said court. The hearing of such application may be adjourned, from time to time, by said court. The commissioners shall be sworn by the mayor, recorder, city clerk or any justice of the peace in said city, faithfully and impartially to execute their duty in making such assessment according to the best of their ability. They shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day. They shall, before they enter upon their duties, give notice to the persons interested, of the time and place of their meeting for the purpose of viewing the premises and of making such assessment, at least five days before the time of such meeting, by publishing such notice in the official papers. They shall determine and award to the owner or owners of such land so claiming damages such damages as in their opinion they will sustain by the completion of the improvement, after making due allowance for any benefit which said owner or owners may derive therefrom. They shall at the same time assess and apportion the said damages and expenses of such improvement on the real estate benefited thereby, as nearly as may be, in proportion to the benefits resulting therefrom. They shall briefly describe the real estate on which any assessment is made by them, and shall designate the owners or occupants of the respective parcels of said real estate, and what parcels, if any, are owned by nonresidents, according

to the best information which they can obtain. If there be any building on any land taken for such improvement, the value thereof to remove shall be ascertained in the assessment and the owner thereof may remove the same in ten days, or such other time as the council shall allow after the confirmation of the return of the commissioners; if he shall so remove it, the value thereof, so ascertained, shall be deducted from the damages awarded to him. The determination and assessment of the commissioners, signed by all of them, shall be returned by them to the common council within thirty days after their appointment. The said county court may, if sufficient objections are made to the appointment of any of said commissioners, or if any of said commissioners shall be unable to serve by reason of sickness or any other cause, appoint other commissioners to serve in their places in the manner above provided; and the common council, after the determination and assessment of the commissioners is returned to them, shall give two weeks' notice in the official papers that the same will, on a day to be specified in said notice, be confirmed, unless valid objections by some person interested are made thereto. All such objections shall be briefly stated in writing and filed with the clerk. If no such objections are made, the said determination and assessment shall be confirmed by the common council. If objections are made as aforesaid, any person interested may be heard before the common council touching the matter, on the day specified in the aforesaid notice, or on such other day or days as the common council shall for that purpose appoint; and the said common council shall either confirm such determination and assessment or annul the same and refer the same subject-matter back to the same commissioners, or to five other commissioners appointed by said county court for the purpose as hereinbefore provided. The commissioners shall proceed in all things in the making and return of the second assessment as though it were the first assessment, and the council shall in all respects proceed thereon as though it were an original assessment. In case the common council shall confirm the second determination and assessment of said commissioners, the same shall be final and conclusive on all persons interested; but in case the common council shall annul the same, then all the proceedings in relation to the matter shall be null. On the final confirmation of the report and assessment, the same, together with a copy

Removal of
buildings
on lands
taken.

Determina-
tion and
assess-
ment.

Vacancies
in commis-
sion.

Notice of
confirma-
tion.

Hearing of
objections
and proceed-
ings thereupon.

Final con-
firmation.

thereof, shall be filed with the city clerk; but the common council shall not lay out and open any new street or streets in that portion of said city without the limits of the former village of Oswego, without the consent in writing of the owner or owners of two thirds of the land which may be required to lay out and open said new street or streets. The county court shall be deemed to be always open for the transaction of all business and the making of all applications contemplated by this act. The same proceedings may be had for the collection of any assessments under this section as are in this act provided in respect to other assessments.

Proceedings for collection of assessments.

Leases and agreements, discharge of covenants and stipulations therein.

§ 314. In all cases where the whole or any part of any real estate subject to any lease or other agreement shall be taken by the common council under the last preceding section, all the covenants and stipulations contained in such lease or agreement shall, upon the final confirmation of the assessment therefor, cease, determine and be absolutely discharged; and in all cases where a part only of any real estate shall be so taken, the said covenants and stipulations shall be so discharged only as to the part so taken; and the county court of Oswego county may, on application in writing of either or any party in interest, to such lease or agreement, appoint three disinterested freeholders of the city, resident therein, to determine the rents, payments and conditions which shall be thereafter paid and performed under such lease or agreement in respect to the residue of such real estate; and the report of the freeholders, or any two of them, under their seals, on being confirmed by the said court, shall be binding and conclusive on all persons interested in such real estate.

Appeals from report and assessment of commissioners.

§ 315. Any person interested therein may, within twenty days after the confirmation by the common council of any report and assessment of any commissioners appointed by the county court as aforesaid, appeal from the council to the supreme court. The only ground of appeal shall be a want of conformity of the proceedings to the provisions of this act; the propriety or utility of the improvement or the equity of the assessment shall not be questioned on such appeal. It shall be made by producing to some justice of the supreme court an affidavit showing the irregularity complained of, and a bond to the city in the penalty of two hundred dollars, executed by two freeholders of the city, conditioned for the payment, if an appeal should be allowed, of all costs that

may be awarded by the court against the appellant, in ten days after its decision, procuring the approval of the justice of the bond and the allowance of the appeal, to be indorsed by him on the bond and affidavit, respectively, and filing the affidavit, bond and allowance with the clerk of the court, and serving a copy thereof on and delivering the same to the mayor or clerk of the city. Such appeal shall operate as a stay of proceedings until the decision of the court. The common council shall return, under the city seal, copies of all its proceedings in the matter, and file the same with the clerk of the court in thirty days after notice of the appeal. The court shall, at its next session, summarily hear and decide the appeal, and award costs to the successful party. Its decision shall be final and conclusive, and judgment may be entered thereon and execution issued.

§ 316. When the amount of any damages for taking any lands as aforesaid shall be ascertained by a final confirmation of the report and assessment of the commissioners, the common council shall, within one year thereafter, pay or tender the amount of such damages to the owners of lands and tenements to whom the same shall have been allowed, and in case such owners shall refuse the same, or be unknown, non-residents of the city, infants, idiots, or lunatics, or the rights and interests of persons claiming the same shall in the opinion of the common council be doubtful, it shall be lawful for the common council in any such case to pay the amount of such damages into the office of the clerk of the supreme court of the county of Oswego, accompanied by a statement of the facts and circumstances under which such payment is made, and describing the lands and tenements taken by the city for which such damages have been awarded. The damages so paid into the supreme court shall be invested and paid over by it in the same manner as though they had been paid under an order confirming the return of a writ of assessment of damages. Until such damages shall be paid as aforesaid, it shall not be lawful for the common council to take or enter upon any such land or tenements for the taking of which any such damages shall have been allowed.

§ 317. The commissioners in this title mentioned, for their respective services in making any assessment which shall be submitted to the common council, shall receive such reasonable compensation as the common council shall allow therefor, to be

paid only to those actually engaged in making such assessment.

Proviso as to discontinuance of streets, etc.

§ 318. Nothing herein contained shall authorize the common council to discontinue or contract any street or highway, or any part thereof, without the consent in writing of two-thirds of all persons owning lands adjoining such street or highway.

TITLE XIII.

Sewers and Pavements.

System of public sewerage.

§ 319. The common council of the city of Oswego are hereby authorized to establish a system of public sewerage for said city, and to that end may procure surveys, levels, maps, plans and profiles to be made, and when such maps, plans and profiles are by a resolution of said council approved and adopted, the same shall be filed with the city clerk, and all public sewers thereafter made in said city shall conform thereto until changed as herein provided. Said council may at any time and from time to time, by a vote of two-thirds of all the aldermen elected, change and alter such maps, plans and profiles, in which case said maps, plans and profiles shall be altered or new ones made by the city engineer so as to exhibit such alterations, and thereafter all public sewers made shall conform to such altered plan until the same be again changed in manner herein provided.

Maps and plans.

How changed.

§ 320. The department of works shall have power:

Repairing, cleaning, etc., of sewers.

1. To make, regulate, repair, amend, discontinue, alter and clean public sewers in said city in and through any and all streets, alleys, lanes and highways in said city; and whenever in the opinion of said department it shall become necessary in order to abate a nuisance or the public interests require it, said department may make a sewer or sewers through the land of any person or persons, corporation or company, upon the assessment and payment of damages as herein provided.

To determine manner of assessing expenses.

2. To determine, by a resolution to be entered in the minutes of the proceedings of said department, what portion, if any, of the expenses of making any such sewer or sewers shall be paid by the city at large, and what part or portion thereof shall be defrayed by local assessment upon such portions of the real estate in said city as the board of local assessors shall deem more immediately benefited thereby.

Assessment upon lands benefited.

§ 321. Whenever the department of works shall order the whole or any part of the expense of making any public sewer

or sewers to be assessed upon the property more immediately benefited thereby, such assessment shall be made in the manner provided by this act for making assessments for local improvements, which provisions are in all respects hereby made applicable to local assessments for sewers.

§ 322. The common council, at the time of ordering an assessment for any public sewer or sewers, to be built, or pavement of any kind to be laid upon any of the streets, highways, alleys, lanes, crossings, walks or avenues of the said city, as authorized by this act, or at any time thereafter, and before the warrant for the collection of the assessment made to defray the expenses thereof, is issued may order the whole of such assessment to be collected at one time, or, in its discretion, may order the whole of such assessment, with ten per centum addition and five per centum interest annually, to be levied and collected in not to exceed three equal annual installments from the first of January next succeeding the time when the said assessment shall have been confirmed by the said council.

Assessments for sewers and pavement.

Collection thereof in installments.

§ 323. In cases where an order is made by the said common council to collect such assessments by installments, any and all owners or occupants of real property assessed to pay the expenses of making such sewer or sewers or laying such pavement may, within thirty days after notice is published in the official papers that the assessment-roll is placed in the hands of the city chamberlain, or at any time thereafter, and before bonds are issued as hereinafter provided, pay to the city chamberlain the amount assessed against such person or real estate, without fee, percentage or interest thereon; but in case of non-payment within the time aforesaid, the assessment shall be increased ten per centum. The said common council, after the lapse of said thirty days and before the first day of January thereafter, shall issue the bond or bonds of said city to the chamberlain thereof, in such sums respectively as it may deem meet, to an amount not exceeding the assessments unpaid, said bonds to be executed by the mayor, under the seal of said city, and countersigned by the clerk thereof; which bonds shall be so made that one-third or one-half of the amount of the unpaid assessments shall be paid annually on the first day of January with interest not exceeding five per centum per annum. And the chamberlain of said city is hereby authorized, under the pro-

Proceedings for collection of installments.

Issue and sale of bonds for unpaid assessments.

visions of this act, to negotiate said bonds and borrow money thereon for the purpose of paying the unpaid balance of such assessment or assessments, and shall apply such money to no other use or purpose.

Annual tax upon land owners for unpaid assessments and interest.

§ 324. The said common council are hereby authorized and required to cause to be levied and collected in each year, at the same time with the general city tax, of and from the several owners or occupants of the respective parcels of real estate so assessed for making public sewers or pavements, the assessments upon which remain unpaid in whole or in part, one-half or one-third part of the respective sums so assessed and unpaid, with interest on the whole of said sum so assessed and unpaid: and the said council shall apply the moneys so levied and collected to the payment of the principal and interest of the said bonds as the same shall become due and payable.

May borrow money in anticipation of assessment of assessments, etc.

§ 325. The common council, for the purpose of paying the expense of making any public sewer or sewers, may borrow money therefor, in anticipation of the collection of the assessments and the negotiation of the bonds herein provided for, and the money so borrowed shall be paid from the moneys collected on such assessments or from the proceeds of such bonds.

Assessments to remain liens.

§ 326. All assessments made to defray the expenses of constructing public sewers or pavements for which city bonds have been given as herein provided, shall be and remain liens upon the several parcels of real estate upon which such assessments are made from the time when the respective assessments shall have been confirmed by the common council until six years from the first day of January thereafter; and if any such assessment or any part thereof shall be returned as unpaid by any officer authorized to collect the same, the premises assessed may be sold in the manner provided by this act for the sale of lands for unpaid city taxes.

Sale of lands therefor.

Petition of land owners for sewerage.

§ 327. Whenever three-fifths in number of the owners of real estate liable to be assessed for benefit for making a public sewer petitioned for by them, shall petition the department of works to make a public sewer in any highway, street, lane or alley in said city, specifying in such petition the locality, route and termini of such sewer, the department shall order such sewer to be made. The evidence of the liability of the petitioners to be assessed for benefit shall be the certificate of the chief

Certificate of assessment.

assessor, indorsed on such petition that in his opinion each of the petitioners will be liable to be assessed for benefit to defray the expenses of making the sewer petitioned for.

§ 328. Whenever the department of works shall order a public sewer to be made through the lands of any person, company or corporation, such proceedings shall be had to ascertain and assess the damages of the parties interested as is provided by this act for ascertaining the damages for laying out, altering, widening, or straightening any street in said city. ^{Damages, how assessed.}

§ 329. The department of works shall have power, by resolution, to fix and determine the terms and conditions upon which the size, dimensions and materials with which, and the mode, manner and time in which, any private or lateral sewer or sewers connecting directly or indirectly with any public sewer may be made. ^{Powers of department.}

§ 330. Any member of the department of works or of the board of health, and the superintendent of works of said city, may, at any time between the rising and setting of the sun, enter into and upon any lot, land, or building thereon, in said city, for the purpose of examining, as to the necessity for drainage thereof, the sewers and drains therein and thereon, and for the purpose of making or repairing such sewers and drains when necessary to abate a nuisance. And the department of works may authorize any person or persons to enter into and upon such premises for the purpose of abating nuisances there existing. ^{Entry upon lands and buildings to examine sewers, etc. Abatement of nuisances.}

TITLE XIV.

The Recorder, and Justices of the Peace

§ 331. The recorder's court is hereby abolished to take effect upon the passage of this act, and the recorder of the city of Oswego shall hereafter possess such powers and jurisdiction as are granted to him by the provisions of this act. ^{Court abolished.}

§ 332. The recorder shall be elected by the electors of the city. The first recorder chosen under this act shall be elected at the general election in eighteen hundred and ninety-eight, and his term of office shall be three years. Thereafter the recorder shall be elected at the regular city election and his term of office shall be four years. ^{Recorder, his election and term.}

§ 333. The recorder in office at the time of the passage of this act shall continue to hold said office for the term now provided ^{Term of incumbent.}

Salary of recorder.

by law and until his successor is chosen and qualified. His salary shall be fifteen hundred dollars per year, payable monthly, upon the order of the common council. After the expiration of the term of office of the present incumbent, the salary of the recorder shall be twelve hundred dollars per year, payable monthly upon the order of the common council. The recorder shall not receive any fees or perquisites of office of any name or nature aside from his salary.

Eligibility to office.

§ 334. No person shall be eligible or elected to the office of recorder, unless he be of the degree of counselor of the supreme court, and shall have been for at least five years.

To have powers of police justice and justice of peace.

§ 335. He shall in addition to such other powers and duties as are now or may be prescribed by law, be and act as a police justice in said city, and as such shall have all the powers of a justice of the peace, and sole and exclusive jurisdiction, subject to the provisions of sections three hundred thirty-nine and three hundred forty of this act, to hear all complaints and conduct all examinations in criminal cases and proceedings in the nature of criminal cases arising in the city of Oswego, and to hold all courts of special sessions in said city.

Jurisdiction in criminal cases.

§ 336. He shall also have jurisdiction over all cases of offenses, crimes against public decency, selling unwholesome provisions, cheats, breaches of peace, disobeying the commands of officers to render assistance in criminal cases, obstructing officers in the discharge of their duties, adulterating distilled spirits, not delivering marked property, defacing marks, or putting false marks on floating timber, all violations against the laws and ordinances of or applicable to the city of Oswego, when such violation is a misdemeanor, and all attempts to commit any crimes named or referred to in the code of criminal procedure when such attempt is a misdemeanor.

Warrants and execution of same.

§ 337. He shall have authority to issue warrants directed generally to any peace officer in the State, and the same may be executed by any such officer, to whom it may be delivered in any part of the State without further authority or indorsement.

Bastardy cases.

§ 338. The recorder or other magistrate acting in his stead shall possess full and complete jurisdiction in bastardy proceedings without associating with himself any other official. The recorder is hereby authorized to charge to the county and

Fees in criminal cases.

receive for the use of the said city of Oswego in any criminal proceedings such fees as are now allowed by law to justices of the peace for like services, and all fees and charges for services performed by such recorder, and which are chargeable upon the county of Oswego or any town therein shall be audited, and allowed by the board of supervisors of said county to and for the benefit of said city of Oswego. The recorder shall have jurisdiction to try without a jury any person who is charged with the violation of a city ordinance.

Fees chargeable to county and towns.

Trial without jury.

§ 339. Complaints may be entertained and warrants issued in criminal cases by the chief of police, the captain of police or any justice of the peace of the city, but such warrants shall be executed by the police officers of the city, and be made returnable before the recorder at his office, and such justice of the peace shall receive no fees therefor from the said city, or from the county of Oswego. During the sickness, absence, from the city, or inability of the recorder, or a vacancy in his office, the justices of the peace of the city shall exercise in all criminal matters and proceedings the same powers and jurisdiction, and be entitled to the same fees, as justices of the peace in towns.

Powers of chief and captain of police and justices.

Justices of peace may act as recorder.

§ 340. The county judge may, in his discretion, entertain complaints and grant warrants in criminal matters, and proceedings arising in the city of Oswego of which the recorder has jurisdiction and make such warrants returnable before himself or the recorder, and may conduct examinations in such cases. In any such case the applicant shall state in his application, whether he has made any other previous application for a warrant in the same matter, and if so, to whom, and the result thereof.

Powers of county judge in criminal matters.

§ 341. Justices of the peace.—Each justice of the peace now in office shall hold his office until the expiration of the term for which he was elected. At the general city election to be held in November, eighteen hundred and ninety-seven, two justices of the peace shall be elected, whose terms of office shall commence on the first day of January, eighteen hundred and ninety-eight, and one of whom shall be elected for two years and the other for four years. At each city election thereafter one justice of the peace shall be elected and hold his office for the term of four years, commencing on the first day of January next ensuing his election. The justices of the peace shall

Justices of peace, election and terms of.

Powers.

qualify and possess and exercise in the county of Oswego all the powers and authority vested by law in justices of the peace elected in towns in their respective counties, and shall be of the degree of counselor of the supreme court.

Vacancies
in office of
recorder
and justi-
ces of
peace.

§ 342. If a vacancy shall occur, from any cause, in the office of recorder or justice of the peace more than thirty days prior to a general election, the same shall be filled for the unexpired term at that general election. If such vacancy shall happen less than thirty days before a general election, the same shall be filled for the unexpired term at the general election of the following year. The vacancy in either of said offices, pending such election to fill the same, shall be filled by appointment by the mayor. The person elected to fill a vacancy in the office of recorder or justice of the peace for the unexpired term shall enter upon his said office upon the first day of January next ensuing the day of his election.

Terms of
persons
elected to
fill vacancy

TITLE XV.

Miscellaneous.

Oath, etc.,
who may
adminis-
ter.

§ 343. The mayor or chairman of any committee or special committee of the common council shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

Public
streets and
highways.

§ 344. All streets, whether open or contemplated, now designated or laid down on any map or maps now on file in the office of the clerk of said city or in the office of the county clerk of the county of Oswego, which have been recognized or adopted as such by the common council of said city, and which have not been discontinued, shall be deemed and held to be public streets and highways of said city, subject to the right of the common council to alter or discontinue the same according to the provisions of this act. And if any person shall build or make any erection or improvements within the bounds or limits so designated as streets or contemplated streets, he shall not be entitled to have or receive of or from said city or any portion thereof, or any individuals therein any damages or compensation for such buildings, erections or improvements; but it shall be competent to alter the map or plan of said city and the streets therein by the concurrent act of the common council, for two successive years; but, whenever altered, a new map,

No dama-
ges for
erection,
etc., within
street
limits.

Alteration
of city
map and
streets.

designating such alterations, shall be made and filed with the city clerk; and the provisions hereinbefore made as to damages and compensation shall apply to any building, erections or improvements, made after the filing of such altered map, within the limits of the streets so designated therein.

§ 345. The city of Oswego shall not be liable for the damage or injury sustained by any person in consequence of any sidewalk or cross-walk in said city being out of repair, unsafe, dangerous, or obstructed by snow, ice or otherwise, unless actual notice of the defective, unsafe or obstructed condition of said sidewalk or cross-walk shall have been given to the common council, the department of works or the superintendent of works, at least forty-eight hours previous to such damage or injury. All claims against the city for damages or injury alleged to have arisen from the defective, unsafe, dangerous or obstructed condition of any street, cross-walk, sidewalk, culvert or bridge of the city, or from negligence of the city authorities in respect to any such street, cross-walk, sidewalk, culvert or bridge, shall, within three months after the happening of such damage or injury, be presented to the common council by a writing signed by the claimant and properly verified, describing the time, place, cause and extent of the damage or injury. The omission to present such claim as aforesaid within said three months shall be a bar to any action or proceeding therefor against the city. No action for such damages or injury shall be maintained unless commenced within one year from the happening of the same.

Liability of city for damages or injury.

Claims against city for such damages.

§ 346. The common council shall not fix a greater sum than one hundred and fifty dollars as the annual compensation to each of the members of the board of excise. The said board of excise shall report in writing to the common council monthly, stating the number of licenses in force, the number granted since their last preceding report and to whom, the rates charged therefor, and the total amount collected for the licenses granted by said board. The said board of excise shall deposit with the city chamberlain of said city, as often as once in each week, all moneys received by said board for and on account of said licenses granted by said board.

Board of excise, compensation and duties of.

§ 347. The commissioners of excise of said city, shall severally before entering upon the duties of their respective offices, give a

Bond of commissioners of excise.

bond to the city of Oswego, in the penal sum fixed by law, with two or more sureties to be approved by the mayor and conditioned that they shall faithfully execute the duties of their respective offices and account for and pay over all moneys received by them. The city clerk shall act as clerk of the board of excise without extra compensation, and the city attorney shall act as attorney of said board without extra compensation. All costs and fees collected by the city attorney or city clerk because of their being respectively the attorney and clerk of the board of excise shall belong to the city and be forthwith paid to the city chamberlain by the party collecting the same.

Clerk and attorney of board.

Board of auditors.

§ 348. The mayor, the city clerk and the city chamberlain shall constitute a board of auditors, whose duty it shall be to audit all accounts chargeable to said city which are by law required to be placed in the county tax levy. It shall also be the duty of said board to examine the accounts of and settle with the railroad commissioners of the city of Oswego. The accounts so audited as aforesaid shall be certified by the said auditing board to the board of supervisors of the county of Oswego, and assessed by said board of supervisors according to law. It shall be the duty of the said auditing board to meet in the mayor's room at the city hall in the city of Oswego at the same time and proceed in the same manner as is provided by law in relation to town auditing boards. The members of said board shall perform said services without any extra compensation therefor.

Payments to county of accounts audited against city.

§ 349. All moneys assessed by the board of supervisors of the county of Oswego upon the city of Oswego for accounts audited by them and chargeable to said city shall be paid by the city chamberlain of said city upon orders granted by the said board, which orders shall be drawn by the said board upon the said city chamberlain. The city chamberlain shall take duplicate receipts for every payment so made by him, one of which duplicates shall be filed by him with the county treasurer and shall entitle him to a credit in the books of the county treasurer for the amount therein stated to have been received, and the other he shall retain and file in his office.

Schedule of accounts so audited

§ 350. It shall be the duty of the clerk of the board of supervisors of Oswego county to furnish to the city chamberlain of

said city, within one month after the annual meeting of said board, a schedule of all accounts audited by said board and chargeable to said city, giving the names of the persons presenting the same, the amount at which the same was audited the amount of the order granted therefor and the name of the person to whom the same was made payable.

§ 351. All property exempt from taxation by chapter thirteen, part first, title first of the revised statutes, and all property belonging to the city, shall be exempt from taxation for any purpose.

Exemptions from taxation.

§ 352. Each ward of the city shall be regarded as a town under the provisions of the code of civil procedure respecting the return of trial jurors, and the city clerk, chief assessor and supervisor of each ward in said city shall perform all the duties enjoined upon the supervisor, town clerk and assessors of each town in the State in relation to making, returning and filing lists of trial jurors. The said officers shall file one of said lists of trial jurors in the city clerk's office and another in the county clerk's office. All duplicate lists of said trial jurors required by law, shall be made by the city clerk and furnished by him to such officers as the law requires to have the same, without any extra compensation therefor.

Lists of trial jurors, making and returning of.

§ 353. Each ward of the city shall be regarded as a town under the provisions of law relating to division and other fences, and the supervisor and alderman of each ward shall be fence-viewers, and shall possess all the power and authority in respect to the division fences or walls in their ward which is given by law to town fence-viewers with respect to division fences.

Fences and fence-viewers.

§ 354. After the passage of this act, the members of the common council and of each department of the city of Oswego are prohibited from creating any debt not authorized by law, or from appropriating any moneys in excess of the amount authorized by law, except that any tax legally levied may be anticipated by a two-thirds vote of said common council. The members of the common council or of any department of the city of Oswego voting therefor shall be liable for any debt created in violation of the provisions of this section, and shall be guilty of a misdemeanor.

Prohibition as to creating of debts and appropriation by council and departments.

§ 355. No officer of said city or any other person shall have power to make any purchase, create any liability or contract

City officers prohibited from making contracts.

Unauthorized purchases, creating debts, etc.

any debt on the part of the city, unless specially authorized by the common council or some department of said city or by this act so to do; and each and every person is prohibited from making any such purchase and from contracting or creating any such debt or liability. No account, claim or demand shall be audited, allowed or paid by the common council or any department unless the same was so authorized.

Unauthorized claim not to be audited.

Compensation for services.

§ 356. Every officer named in this act, who has a certain salary fixed by said act or for which provision is made for its being so fixed, shall receive the same as full compensation for any and all services rendered by him to the city or any department thereof. It shall be a misdemeanor for any city officer to ask, or demand or receive for his own use, or for the use of another to his benefit or advantage any sum or sums, thing or things whatsoever, as extra compensation or reward for said services. All fees collected or received by any such officer from any source arising out of or connected with his said office shall be by him forthwith paid over to the city chamberlain for the use of the city. The common council and every department and board of said city are hereby forbidden to grant any extra compensation to any salaried officer, and it shall be a misdemeanor to grant or attempt to grant the same or for the city chamberlain to pay the same if granted.

Extra compensation prohibited.

Payment over of fees.

Granting extra compensation prohibited.

Deductions from salaries.

§ 357. Whenever any salaried officer of the city shall be absent from any cause and it is necessary to supply his place at a cost to the city, such cost shall be deducted from the salary of such absent officer. It shall be the duty of the officer to make such deduction who grants the order for said salary.

Audit and payment of accounts and claims against city.

§ 358. Accounts, claims and demands against the said city of Oswego shall be presented to the common council or the department incurring the same for payment at least as often as quarterly, on days to be appointed by the council or department and when presented shall be audited and paid without unreasonable delay; and such accounts, claims and demands, of every name and description, arising, or accruing or which shall be created during any fiscal year in said city, shall be presented for settlement and payment on or before the third Tuesday in December in said year, and shall be audited and provision made for the payment of all claims allowed from the taxes and income of the said year, before the first day of January following and

no interest or costs shall be recovered against the city in any suit brought to recover any such account, claim or demand which has not been presented as aforesaid, provided the said council shall cause a notice to be published in the official newspapers in said city once in each week for three weeks immediately preceding said third Tuesday in December that said accounts, claims and demands are required to be presented as aforesaid.

§ 359. All claims audited and allowed by the common council and the various boards and departments of the city of Oswego shall be published quarterly in the official papers, and as so published shall state fully and in detail the name of each claimant, the nature of the claim, the amount claimed and the amount allowed, and also all outstanding, known unliquidated claims. Publication of claims allowed.

§ 360. The common council and each department is hereby forbidden to draw any order upon the city chamberlain during any fiscal year, in excess of the amount of the fund against which said draft is drawn. The mayor, and president of each department, is hereby forbidden to sign or countersign any such order that shall be an overdraft of the fund against which said order is drawn, and each and every alderman, and each and every member of any department, voting in favor of the issuing of such draft shall be personally liable therefor, and any violation of the provisions of this section by any officer shall be a misdemeanor. Overdrawing of funds, etc., prohibited.

§ 361. No alderman, mayor or other officer or employe of the city shall act as agent or attorney for any person, company or corporation in relation to any matter to be affected by the action of the common council or any board, department or officer of the city. A violation of this provision shall be cause for removal by the mayor. It shall be a misdemeanor to violate any of the provisions of this section. Officer or employe not to act as agent or attorney.

§ 362. Any supervisor of the city who, in preparing a list of grand jurors, shall select the name of or appoint any person for the grand jury list who does not possess the qualifications required by law for a grand juror shall be guilty of a misdemeanor. No supervisor of said city shall receive any fee for making or causing to be made any list or lists of grand jurors. Selection of grand jurors.

Purchasers
under con-
tracts
owners.

§ 363. Any person in the possession of any real estate in the city of Oswego under and by virtue of a contract for the purchase thereof may, in the discretion of the common council, be deemed and held as the owner thereof for all the purposes of this act.

Sureties
co-defend-
ants in
actions
against
city.

§ 364. Whenever an action is brought against the city on a claim for which the city would have the right of action against another person, company or corporation upon a bond, the surety or sureties on said bond must be made co-defendants in said action, and if a judgment is recovered therein by the plaintiff, the same must be enforced against the surety or sureties in the first instance and the city shall not be liable thereon nor shall execution thereon be issued against the city until an execution against the surety or sureties has first been returned unsatisfied.

Enforce-
ment of
judgments
against
sureties.

Accounts
against
city, how
made out
and veri-
fied.

§ 365. Every account against the city of Oswego or any board or department thereof must be made out in items accompanied with an affidavit attached to and to be filed with such account or claim, made by the person presenting or claiming the same, that the items of such account or claim are correct, and that the disbursements and services charged therein had been, in fact, made or rendered, and stating that no part thereof has been paid or satisfied. A false oath in any such case is perjury.

Official
proceed-
ings to be
published.

§ 366. The proceedings of each and every session of the common council and of every board and department of the city of Oswego shall be published in detail in the official papers. It shall be the duty of the mayor to see that the provisions of this section are fully complied with.

Notices of
tax sales.

§ 367. All notices of county tax sales, published by the county treasurer of Oswego county, shall be inserted in at least two issues of the official papers of the city, and it shall be the duty of the common council to see that this provision is complied with.

Money for
payment
of judg-
ments,
borrowing
of, etc.

§ 368. Whenever a judgment is recovered against the city for injury or damages arising from the negligence of any department or officer of said city, and the common council has by resolution determined to compromise, settle or pay the same, and the amount to the credit of the contingent fund is not sufficient therefor, or if such payment be made it will leave the city for some part of the fiscal year without funds for its contingent expenses, then the common council may borrow the amount necessary to pay such judgment or to replenish such fund on a note or notes of the mayor and add to the amount of the

Issue of
mayor's
notes.

first tax levy made thereafter the amount of such note or notes, in addition to the sum authorized by this act to be raised by such tax. Every such note shall state upon its face the specific purpose for which it was issued and that it will be paid out of the proceeds of the next tax levy and be made payable not later than September fifth of the year of such tax levy. It shall be the duty of the city chamberlain to pay any and every such note out of the taxes collected from such tax levy. No interest shall be paid or allowed by the city chamberlain on any such note after the fifth day of September of the year when it is payable according to the provisions of this section.

§ 369. The boundaries of the city of Oswego shall be the boundaries of the jail liberties of the jail in said city. Jail limits.

§ 370. All ordinances and by-laws heretofore passed by the common council of said city, and not inconsistent with this act or with law, shall continue in full force and effect until amended or repealed. Ordinances, etc., continued.

§ 371. All officers of the city of Oswego in office when this section takes effect, shall hold their offices until the expiration of the term for which they were respectively chosen and until their successors are chosen and qualified, except as otherwise provided in this act. Terms of present officers.

§ 372. A vacancy occurring in an appointive office between March fifth and December thirty-first, eighteen hundred and ninety-five, otherwise than by expiration of term, may be filled by appointment by the mayor for the term ending December thirty-first, eighteen hundred and ninety-five. Vacancies in appointive offices.

Council of the Oswego Fire Department.

§ 373. The council of the Oswego fire department shall hereafter be composed of seven persons, who shall be residents, electors and freeholders of said city, and shall be appointed as herein provided: Three by the common council, upon the nomination of the mayor of said city; three by the department of fire and police of said city; and the mayor of said city by virtue of his office shall be a member of said council, exercising the same powers and duties as other members thereof. Council of fire department.

§ 374. Whenever a vacancy shall occur in the office of a member of said council appointed by the common council upon the nomination of the mayor, or by the department of fire and police Vacancies how filled.

of said city, whether by the expiration of term, resignation, death, removal from the city or otherwise, such vacancy shall be filled by the same body and in the same manner as the original appointment.

Terms of office.

§ 375. The present members of said council shall continue in office until the expiration of the terms for which they were respectively appointed and until their successors have been appointed* and qualified. The term of office of their successors shall be three years.

Annual organization.

§ 376. Annually in January they shall organize by appointing one of their number as president, and another as secretary of the said council, who shall hold their offices during the pleasure of the council. A majority of the persons so appointed or to be appointed shall be a quorum for the purpose of organizing the said council, and of transacting any other business which may properly come before it.

Quorum.

Powers and duties of council.

§ 377. The said council shall have the care, management, custody and possession of all the property and funds now under the control of or hereafter acquired by the said council. The proceeds derived from the sale of all such property shall be a permanent fund, which shall be kept securely invested by the said council, and the interest or annual income thereof shall be expended by the said council in relieving such members and the families of such members of the present paid fire department and of the late volunteer fire department of the city of Oswego as shall have received injury in the prosecution of their duties as such firemen, such relief to be given in such sums and in such manner as the said council of the Oswego fire department shall direct. If the annual interest or income of said fund shall not be required in any year for such relief, in the judgment of said council, the amount remaining unexpended shall be added to the principal of said fund, the interest thereof only afterwards to be expended as above provided; or the said council in their discretion shall expend the amount so remaining unexpended, or any part thereof, in providing reading matter or a reading-room for the use of the present and former members of the Oswego fire department and of the old volunteer firemen of Oswego, or in such other manner as shall increase the comfort and improve the efficiency of the members of the fire department of the city

Permanent fund.

Expenditure of income.

* So in the original.

of Oswego, or shall be conducive to relieving the necessities of old volunteer firemen of the city of Oswego, New York. The said council shall make, between the first and thirtieth days of June in each year, a report in writing, duly verified by its president and treasurer, to the common council of the city of Oswego, showing in detail the amount of property or funds in its possession and under its control, in what manner the same is kept invested, the interest or annual income received therefrom during the twelve months last preceding such report, to what persons and for what purposes said interest was disposed of or applied by said council.

Annual report to council.

§ 378. Fire marshal.—Before the tenth day of January in each year the local board of fire underwriters of the city of Oswego may nominate to the mayor three persons, from whom the mayor shall select and appoint one to act as fire marshal in said city. The said fire marshal shall have power and, on the request of the local board of fire underwriters of said city, or a majority of the insurance agents doing business in the city of Oswego, he shall have power, and it shall be his duty to investigate the cause of any fire that occurs within the city limits, and file a written report of such investigation with the said board or agents requesting such investigation. He shall also have power, and it shall be his duty, from time to time, to examine as to the condition of the houses, stores and other structures in said city, in regard to the danger or risk of fire in or about the same, and to report thereon to the local board of fire underwriters and also to the board of health, with his recommendations in relation thereto, and the board of health of said city shall take such action thereon as they shall deem for the best interests of the public. The said fire marshal shall execute any order issued by the board of health relative to matters pertaining to his office. The fire marshal shall have such further power and perform such duties as the department of fire and police or the board of health shall from time to time direct by resolution, but without compensation, except as herein provided. He shall receive a salary, to be fixed and paid by the said local board of fire underwriters, in the manner following: The amount thereof shall be paid by the local board of fire underwriters to the city chamberlain at least quarterly, and shall be paid to the said fire marshal, upon the order of the department of fire and police,

Fire marshal.

Investigation of fires.

Powers and duties.

Salary and expenses.

monthly or quarterly, as the said department may determine. The city of Oswego shall not be liable to pay said fire marshal any sum beyond the amount paid to the city chamberlain therefor by the said local board of fire underwriters, and in no case shall any expense of the services of such fire marshal be chargeable to the city or paid out of the public funds.

Public act.

§ 379. This act is hereby declared a public act, and shall take effect January first, eighteen hundred and ninety-six, except sections four, five, seven, eight, nine, thirteen, seventeen, twenty-one, fifty, one hundred and eleven, one hundred and fifteen, one hundred and sixteen, one hundred and thirty-five, one hundred and fifty-six, one hundred and seventy-eight, one hundred and ninety-four, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-seven, three hundred and seventy-one and three hundred and seventy-two, which shall take effect immediately.

Repeal of laws.

§ 380. Chapter thirty-five of the laws of eighteen hundred and ninety-five is hereby repealed, to take effect immediately.

§ 381. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed. Such repeal shall not revive a law repealed by any law hereby repealed, but shall include all laws amendatory of the laws hereby repealed.

Schedule of Laws Repealed.

Laws of	Chapter.	Sections.
1848.....	374.....	All.
1849.....	134.....	All.
1857.....	96.....	All.
1860.....	463.....	All except § 1 of title IX.
1861.....	28.....	All.
1863.....	154.....	All.
1866.....	51.....	All.
1866.....	471.....	All.
1867.....	857.....	All.
1868.....	399.....	All.
1868.....	866.....	All.
1869.....	454.....	All.
1869.....	675.....	All.
1870.....	228.....	All.

Schedule of Laws Repealed — Continued).

Laws of	Chapter	Sections.
1870.....	255.....	All.
1872.....	588.....	All.
1872.....	637.....	All.
1873.....	103.....	All.
1873.....	218.....	All.
1875.....	467.....	All.
1876.....	367.....	All.
1877.....	34.....	All.
1877.....	127.....	All.
1877.....	226.....	All.
1878.....	154.....	All.
1879.....	46.....	All.
1879.....	69.....	All.
1879.....	235.....	All.
1879.....	450.....	All.
1879.....	532.....	All.
1881.....	524.....	All.
1883.....	44.....	All.
1883.....	169.....	All.
1883.....	256.....	All.
1887.....	38.....	All.
1887.....	130.....	All.
1888.....	265.....	All.
1888.....	441.....	All.
1889.....	388.....	All.
1890.....	30.....	All.
1890.....	59.....	All.
1891.....	363.....	All.
1892.....	90.....	All.
1894.....	432.....	All.

Chap. 396.

AN ACT amending an act entitled "An act to incorporate the village of Whitestone, in Queens county," passed April fifteenth, eighteen hundred and sixty-nine.

BECAME a law April 26, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Section two of title seven of an act entitled "An act to incorporate the village of Whitestone in Queens county," passed April fifteenth, eighteen hundred and sixty-nine, is hereby amended to read as follows:

Laws, ordinances, etc., power of trustees as to.

§ 2. For all or any of the purposes mentioned in this act, and for the execution of the several powers and duties thereby conferred or imposed upon them, the board of trustees may make, adopt, modify, amend and repeal all such laws, ordinances, rules and regulations and by-laws as may be suitable for such purposes and not contrary to law, and may therein and thereby prescribe such penalties, fines and forfeitures for the violation thereof as they may deem proper, not exceeding thirty dollars for any one offense, and collect the same with costs of suit, of any person or persons guilty of such violation in any court having jurisdiction of the case. All laws, ordinances, rules and regulations passed or established by the said board of trustees, whereby any penalty, fine or forfeiture shall be imposed for the violation thereof, shall be published for fourteen days by posting copies thereof in at least six public and conspicuous places in the village, and also by the insertion thereof in one or more of the public newspapers, if any, printed in the village, once in each week, for two weeks consecutively before the same shall take effect; such period of time to be computed from and exclusive of the day on which such copies shall be posted. Every person violating or offending against any ordinance prescribing a penalty, fine or forfeiture for such violation or offense heretofore passed or that may hereafter be passed by the board of trustees of said village shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment in the county jail of Queens county, or both such fine and imprisonment, and in case default shall be made in the payment of any such fine, the

Publication of laws, etc.

Violations of certain ordinances a misdemeanor.

person so convicted and fined shall be confined in said county jail until such fine shall be paid; but such imprisonment for the non-payment of any such fine shall not exceed one day for every dollar of such fine imposed. The person charged with a violation of or offense against any ordinance prescribing a penalty, fine or forfeiture for such violation or offense shall, when proceeded against criminally, be tried in the manner provided by law for the trial of persons charged with misdemeanors. Trial of violations.

§ 2. This act shall take effect immediately.

Chap. 397.

AN ACT to amend chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and all acts amendatory thereto.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title twelve of chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and all acts amendatory thereto, is hereby amended so as to read as follows: Charter amended.

§ 1. The board of trustees shall have power to raise annually, by taxation, upon the taxable inhabitants of the village, and the property therein liable to taxation, such sums of money as it shall deem proper, or as shall be necessary in the payment of compensation for services of officers of the village, for roads and improvements, and to carry into effect all the several powers and privileges granted to and conferred upon the said village, or its board of trustees or board of health by this act, or the general laws of this State; and it shall, on or before the first day of July Annual village tax. in each year determine what sums shall be raised by taxation Annual estimate. for the then current year, it being expressly provided, however,

Limita-
tion.

Additional
amounts.

Annual tax
for fire
hose.

Distribu-
tion of
hose.

Annual tax
for board
of health.

that said board of trustees shall not in any one year raise or levy any tax or taxes within said village to an amount exceeding twenty-five thousand dollars, unless such additional amount of tax be for the purposes and under the limitations described in titles three, eleven and fifteen of this act, or in the general laws of this State, relating to the preservation of the public health, and the supply of pure and wholesome water to towns and villages, or except as specially authorized and prescribed by law, or by other parts of this act; and except that it shall be lawful for and the said board of trustees shall have power to raise annually by taxation, as aforesaid, the further and additional sum of two thousand four hundred dollars, or such part thereof as they may consider necessary to be used solely for the purchase of fire hose of the best quality for the use and equipment of the fire department of said village. The distribution and apportionment of said hose among the several fire companies of said department shall be under the supervision and control of the said board of trustees; and except that it shall be lawful for and the said board of trustees shall have power to raise annually by taxation, as aforesaid, a sum not to exceed three thousand five hundred dollars for the purpose of defraying the expenses of the board of health, in the preservation of the public health within said village.

§ 2. This act shall take effect immediately.

Chap. 399.

AN ACT to amend chapter seven hundred and three of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the construction of a building for hospital purposes, in the city of New York."

Accepted by the cit

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section one of chapter seven hundred and three of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the construction of a building for hospital pur-

poses in the city of New York," is hereby amended so as to read as follows:

§ 1. The commissioners of the sinking fund of the city of New York are hereby authorized and directed, whenever required so to do by the board of estimate and apportionment of said city, to designate and set apart so much of Gouverneur slip in said city as will be requisite for the construction thereon of a building in accordance with the plans and specifications and for the purposes mentioned in the next section of this act, and the said land so designated and set apart shall be and the same is hereby set apart and appropriated for the purposes of the building in this act provided for.

Designation and setting apart of site.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. The commissioners of the sinking fund of the city of New York are hereby authorized and directed to construct upon the site so designated and set apart a building, the entire cost, expense and equipment of which shall not exceed two hundred thousand dollars, for the purpose of providing suitable accommodations for a reception hospital for patients injured or taken suddenly ill in the lower east side of the city of New York.

Construction of building.

§ 3. This act shall take effect immediately.

Chap. 400.

AN ACT to prevent encroachments upon the lands under the waters of Rockland lake, in the county of Rockland.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. No person or corporation shall hereafter fill in, or build any structure in or upon the lands under the waters of the Rockland lake, in the county of Rockland, in this State, at any point or place where the said lake is now bounded by any public highway, nor shall any person or corporation fill in with earth, or any other material or materials, or build or construct any fence, dock, cribbing, or other obstruction, or barrier between such public highways and the waters of said lake, nor shall any person or corporation obstruct, interfere with or hinder by any

Encroachment upon lands prohibited.

means whatsoever the free access to the waters of the said lake by any person or persons from the said public highway where the same is bounded by the waters of the said lake.

Proviso as to fences. § 2. This act shall not prevent the highway commissioners of the town in which said lake is situated from erecting any suitable and necessary fence, or other barrier for the protection of the public traveling on the said public highway.

Violation of provisions. § 3. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to a fine of not more than one thousand dollars, or imprisonment for a term of not more than six months, or by both such fine and imprisonment.

§ 4. This act shall take effect immediately.

Chap. 402.

AN ACT to amend chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and all acts amendatory thereto.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended. Section 1. Title ten of chapter six hundred and seventy-four of the laws of eighteen hundred and seventy, entitled "An act to amend, consolidate and re-enact an act entitled 'An act to incorporate the village of Edgewater,'" passed March twenty-second, eighteen hundred and sixty-six, and all acts amendatory thereto, are hereby amended by adding thereto the following section:

Improvement of county road streets. § 37. The board of trustees may, by resolution, provided the board of supervisors of the county of Richmond concurs therein, authorize and empower the said board of supervisors to widen, straighten and grade any street or highway in the said village which is or may become a county road under chapter five hundred and fifty-five of the laws of eighteen hundred and ninety, or any act amendatory thereof, in accordance with plans and specifications to be filed with said board of trustees by said board of supervisors, and the said board of supervisors may there-

upon proceed to widen, straighten or grade said street pursuant to such resolution, and acquire by condemnation the title to the land or the easement therein for highway purposes, necessary therefor. The board of trustees prior to taking such action shall give notice of the time at which the same will be considered by advertising the same for at least two weeks in a newspaper published in said village, and they shall also before passing such resolution fix the limits of the district upon which the assessment for such improvement shall be laid. Such assessment district shall only include both sides of the streets to be widened, straightened or graded. The assessment to be levied therefor shall include the expenses of such condemnation proceedings, awards for lands taken, grading, filling and building necessary bulkheads, legal engineering expenses, but excluding the expense of improving such streets with telford, macadam or other pavement. When the said board of supervisors shall by resolution, certify that the title to the land necessary has been condemned, as aforesaid, and that the contracts for grading, filling and bulkheading have been duly let, and shall certify the total expense of such improvement (exclusive of the expense of paving as aforesaid) the board of trustees shall raise the amount so certified, by assessing and levying one-quarter thereof upon the property included in the assessment district aforesaid, at a proportionate rate per running foot of the frontage of such property upon the street to be improved, and the remaining three-quarters thereof by selling bonds of the village of Edgewater, which bonds shall fall due in thirty years from their date, and shall be disposed of at public auction, or by sealed bids, after at least two weeks' public advertisement, to the person offering to pay the highest price, not less than par, and to accept the lowest rate of interest therefor, which shall not exceed five per cent. The moneys collected under said assessment, and the proceeds of said bonds shall be deposited with some trust company to the credit of the village as a special fund to be used only in paying for said improvement, and shall be paid out only pursuant to the resolution of the board of trustees, according to the statement aforesaid filed by the board of supervisors with the board of trustees, upon the certificate of the president of the board of trustees and the chairman of the board of supervisors.

Notice.

Distr'ct of
assessment.Assess-
ment of
expense.Issue and
sale of
bonds.Disposition
of moneys
and pro-
ceeds of
bonds.

§ 2. This act shall take effect immediately.

Chap. 404.

AN ACT to amend chapter thirty-three of the laws of eighteen hundred and eighty-two, entitled "An act to merge the corporation of 'The Trustees of the Funds for the Floating Hospital of Saint John's Guild of the city of New York' into the corporation of 'Saint John's Guild.'"

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Merger of
corporation.

Section 1. The corporation known as, and incorporated under the title of, "The Trustees of the Funds of the Floating Hospital of Saint John's Guild of the City of New York," is hereby merged into and made a part of the charitable corporation organized under the name of and known as "Saint John's Guild" of the city of New York, and all of its funds, property, effects, powers, authority, privileges, immunities and functions are hereby transferred to and vested in, and its duties, liabilities, objects, business, obligations and ministrations are devolved upon and to be assumed and discharged by the said corporation of "Saint John's Guild," as fully as the said two corporations were authorized and obligated to do before such merger under their several articles of incorporation, but nothing contained in this act shall abrogate or impair or in any wise affect any existing rights or interest or legal proceeding now pending.

Transfer of
funds,
property,
etc.

Rights not
affected.

Real and
personal
estate of
new corporation.

§ 2. The said corporation of Saint John's Guild, so created by such merger, shall have power to take, receive and hold, by gift, purchase, grant, devise or bequest, in trust or in perpetuity, any real and personal estate, either and both, for the uses, objects and purposes of the said corporation, in the same manner and to the same extent as corporations maintaining hospitals under chapter ninety-five of the laws of eighteen hundred and eighty-nine and under the several acts amendatory thereof are authorized to do; and to use, dispose of, invest and reinvest such estate and the proceeds thereof, provided that the annual net income of the property, real and personal, of said corporation shall not exceed the amount authorized to be received and held by hospital corporations under the laws of this State.

§ 3. The property of said corporation of Saint John's Guild, both real and personal, shall be exempt from taxation, to the extent that, and so long as, the same shall be used for or devoted to the purposes for which said society was incorporated. Exemption from taxation.

§ 4. This act shall take effect immediately.

Chap. 405.

AN ACT to confirm the charter of the Jennie Clarkson Baptist Orphanage, created by chapter six hundred and forty-five of the laws of eighteen hundred and ninety-two, and to validate the election of directors thereof.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The charter of the Jennie Clarkson Baptist Orphanage, as established by chapter six hundred and forty-five of the laws of eighteen hundred and ninety-two is hereby confirmed. Charter confirmed.

§ 2. The following named persons, in addition to the nine persons named in the first section of chapter six hundred and forty-five of the laws of eighteen hundred and ninety-two, are hereby declared to be directors of the Jennie Clarkson Baptist Orphanage, in pursuance of their election by the corporators named in said chapter six hundred and forty-five of the laws of eighteen hundred and ninety-two on the fifth day of March, eighteen hundred and ninety-five, and their allotment into classes is hereby confirmed, Charles J. Townsend, Wendell C. Phillips, Arthur W. Milbury, John L. Campbell, Walter Rauschenbusch, Victor Vierow, T. Franklin Smith, Edgar S. Marston, D. Parker Morgan, Sylvester Pope, Hanford Crawford, George W. Lessels, Ferdinand T. Hopkins, Henry W. Sackett, and William C. Bitting. Additional directors.

§ 3. This act shall take effect immediately.

Chap. 406.

AN ACT to authorize the town of Amherst, Erie county, to incur an indebtedness for the purpose of grading, graveling, macadamizing or paving certain highways therein, extending from the village of Williamsville to the city of Buffalo, and authorizing the town board to make such improvement.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Town board
to estimate
expense.

Section 1. The town board of said town of Amherst is hereby authorized to meet, ascertain and determine the probable expense of grading, graveling, macadamizing or paving any highway, extending from the village of Williamsville to the city of Buffalo, with stone or other material. The cost of plans, estimates, assessments, surveys, publications, and all expenses incidental to the making of any such improvement shall be considered as a part of the expense thereof. The said board, after the making of any determination as aforesaid, shall cause an order to be entered in the minutes of the said board, reciting in general terms the improvement proposed, with the materials to be used, and the estimated expense thereof, together with the highways upon which it is proposed to make such improvement, as well as any other matter which said board may deem necessary and material. A copy of said order shall be published once a week for two weeks in a newspaper printed in the village of Williamsville. Said order shall also contain a notice notifying all persons interested in said improvements to appear before said board at a time and place to be specified therein, which shall not be less than ten days after the first publication thereof, to make such objections as they may have to such improvement, which order and notice, in addition to being published as aforesaid, shall be posted conspicuously in at least three public places in said town, not less than ten days prior to the date to be specified therein for the hearing of objections as aforesaid. The said order and notice shall be signed by the chairman of the town board of said town.

Order and
notice of
proposed
improvement.

Hearing of
objections.

§ 2. At the time and place to be specified in the notice mentioned in the last preceding section, or at such time and place

as the said town board shall adjourn to, from time to time, it shall give all persons appearing to object to said improvement, or to be heard in reference thereto, a reasonable hearing, and thereupon may reverse, affirm or modify the said order as the said board may deem proper.

§ 3. After such hearing, if the said town board shall determine that it is necessary and proper to improve any highway, or any part of any highway, leading from the village of Williamsville to the city of Buffalo as aforesaid, by grading, graveling, macadamizing or paving the same, it shall thereupon make an order or determination to that effect, which shall also be extended in the minutes of the said board, which order shall also contain the particular highway or highways, or parts thereof, to be improved, the material to be used, and, so far as may be, the times and manner in which said improvement is to be made; and also a provision that all such improvements are to be done by contract, to be let after due notice thereof to the lowest responsible bidder.

§ 4. When any such improvement shall have been determined upon and ordered as aforesaid, the same shall have no force or effect until the consent in writing shall be obtained of the owners of at least two-thirds of the actual feet frontage of land on each side of any highway ordered as aforesaid to be improved, excepting therefrom the space occupied by highways crossing the same. But in case the consent of such property owners as aforesaid can not be obtained for the making of said improvement for the whole length of said highways, the said board may if in its judgment, it is deemed proper, modify or alter any previous order or determination in that regard, and provide for the improvement in the manner aforesaid of such part or length of said highway as to which the consent of said property holders in the manner and form aforesaid can be obtained.

§ 5. When any such improvement shall have been ordered as aforesaid, and the consent of the property owners shall have been duly obtained, in the manner and form aforesaid, the town board is hereby authorized and empowered to cause to be issued bonds of the said town for the providing of funds for the payment of the expenses thereof or any part thereof, and thereby to pledge the faith and credit of said town to the extent and amount of such bond or bonds, the same to bear interest at a

rate not to exceed six per centum per annum, and to be for such amounts and upon such terms and conditions as may be determined by the said board. Said bonds when issued, shall be binding on the said town and shall contain a recital that they are issued under the provisions of this act, and such recital shall be conclusive evidence in any court of the validity thereof, and of the regularity of their issue. But all said bonds shall be payable within at least fifteen years after the improvement on account of which they were issued, shall have been ordered. Each such bond shall be signed by the supervisor of said town, countersigned by the town clerk, and delivered to the supervisor of said town who shall advertise the same for sale at public auction to the highest bidder, by publication in at least three newspapers published in the city of Buffalo and in one newspaper published in the said village of Williamsville, at least two weeks before the day of the sale. No such bond shall be sold for less than the par value thereof. All such bonds shall be numbered consecutively and a record thereof kept by each, the town clerk and supervisor, showing the date, amount and date of maturity of each. All moneys to be derived from the sale of bonds shall be kept in a separate fund by the supervisor and all orders for the payment of such moneys shall be drawn only by the authority of the town board, signed by the supervisor of the town and countersigned by the town clerk. Before the supervisor shall advertise any such bond, he shall execute to the town of Amherst and file with the town clerk a special bond with sufficient sureties, to be approved as to its form and sufficiency by a majority of the town board, exclusive of the said supervisor, conditioned for the faithful execution of his duties in reference to the sale of said bonds, and the application of the proceeds under the direction of the said town board. And that he will at all times render a just and true account thereof to the said town board when thereunto required. At any time when in the opinion of a majority of the members of such town board the moneys entrusted to such person as supervisor shall be deemed unsafe, or the surety insufficient, they may require a new and further bond with like conditions as the first, and in such penalty, and with such sureties as they may deem requisite and proper. Should default be made in the giving and filing of the bond as herein provided for, within the time

Sale of
bonds.

Proceeds,
how kept
and dis-
bursed

Supervisor
to give
bond.

New or
further
bond of su-
pervisor.

Default in
giving
bond
or renewal.

limited herein, or if the said supervisor neglect to renew his bond as last hereinbefore provided for, the town clerk, at the request of the said board, shall cause a written notice to be served upon the person so in default requiring him to furnish such bond, or such renewal, as the case may be, within ten days from the day of service of such notice, whereupon if such supervisor be still in default he shall be deemed to have vacated his office and the town board shall appoint a proper person to fill such vacancy.

§ 6. When the town board shall have duly affirmed the order proposing any such improvement, and finally determined upon the same, and after the execution and sale of the said bonds for the purpose of providing for the payment and expense of said improvement in the manner aforesaid, then for the purpose of providing for the payment and discharge of said bonded indebtedness, they shall cause a list of all the several lots or parcels of land to be subjected thereupon, and bounding on any highway to be improved, to be made which shall describe each parcel or lot thereof, so that it can easily be identified and distinguished and specifying the number of lineal feet of its frontage or boundary on that part of the highway to be improved. Such list shall be filed with the town clerk, who shall thereupon give public notice of the completion and filing thereof by publication of such notice at least once in a newspaper published in said village, if one be published therein, and said notice shall contain a provision that any objection to the accuracy or form of such list may be made to the town board at their next annual meeting therein stated to be held not less than ten nor more than twenty days after said notice shall be first published and posted as aforesaid. If such notice be given, and no objections are made, the said list shall become and be final and conclusive by the acquiescence of the parties concerned. All objections which shall be made pursuant to such notice, the said board shall consider and determine upon, and may affirm or reverse said list, or amend the same, or correct any error therein, or annul the same and proceed anew, and when the said board shall have affirmed a list it shall become final and conclusive upon all parties concerned. When such list shall have become affirmed or final as aforesaid, the amount to be raised concerning which said list shall have been made, shall become a lien superior to all other rights, title or estate therein, upon, and to be raised from the several lots or

Listing of
lands.

Notice to
be given
upon filing
of lists.

Hearing of
objections and
confirmation
of lists.

Lien and
assessment
of amount.

parcels of land respectively specified thereon. So much of the said assessment shall be raised from each separate lot or parcel of land fronting on any highway to be improved as shall be in the same proportion to the entire amount assessed as the number of feet for which the same shall bound or front upon any highway improved shall be in the aggregate number of feet or frontage or bounds subjected to said assessment by the order of said town board as aforesaid. The town clerk shall forthwith indorse upon a correct copy of such list, a statement showing when the same became final and conclusive as aforesaid, and deliver such copy and statement to the supervisor of the town. The said town board, or, by its direction, the supervisor shall thereupon set down upon such statement and against each lot or parcel of land, its just proportional part of said assessment, computed under the rule aforesaid, and file the same with the town clerk, and the same shall become payable to the supervisor of the town at or within the time or times specified in the order of the town board directing the improvement, and which order shall be entered in the minutes of the board. Interest on all such assessments or installments thereof not paid when due, and within the time or times mentioned in said order, shall become payable from such default at and after the rate of ten per centum per annum, and such interest shall also become a lien upon the land from which the assessment so in default shall be payable. The owner or owners or persons interested or any of them, in any lot or parcel of land subject to assessment may, however, discharge the same from the lien thereof at any time before the assessment becomes due, by paying the amount thereof to the supervisor of the town with interest at six per centum per annum.

Interest on
assess-
ments or
install-
ments.

Discharge
of assess-
ment by
payment
before due.

Sale of
lands for
unpaid
assess-
ments.

Certificate
of sale.

§ 7. When default shall be made in payment of all or any part of an assessment as aforesaid, for thirty days after it becomes due, it shall be the duty of the supervisor of said town then in office, and he is hereby directed to advertise the lot or parcel of land from which the same is payable for sale, and to sell the same at public auction without credit, to the highest bidder. He shall thereupon, on receiving the amount of the assessment, interest, fees and expenses of sale, make and deliver to said bidder a certificate describing the lot sold and the amount bid and the sum paid thereon, and that at the expiration of one year from the day of sale, the bidder or his assigns shall be entitled

to a conveyance of the lands sold, upon payment of the remainder of the bid if the bid be more than the sum paid as aforesaid, or to have his money returned with ten per centum interest thereon. During said year, any persons interested in said lands so sold may redeem the same from the sale by paying to the supervisor of the town the full amount of the assessment and interest at ten per centum and all costs, fees and expenses of the sale, the interest to be computed to one year from the date of sale. If said lands are not redeemed within the year, the supervisor shall convey to the purchaser at such sale, upon payment by him as aforesaid, in the name of the town by him as supervisor, such parcel of land in fee simple, and thereupon the town shall be bound to the grantee and his successors in title as grantor of said lands, with implied covenants of warranty and seizen. Said deed shall briefly recite the proceedings in ordering the improvement and the making of said assessment, and shall be conclusive evidence that the proceedings were regular and valid. All said advertisements of sale shall be given by said supervisor by publication of a notice containing a description of the lands to be sold; a reference to the making of the assessment, the amount thereof, and of default in payment thereof, and specifying the place and hour of sale in a newspaper published in the town of Amherst, or, if none be published therein, then in one published in the city of Buffalo and circulating in the town aforesaid, once a week for at least six weeks before the day of sale, and by posting such notice of sale in at least three public places in said town at least forty-two days before the day of sale. The notice shall contain a statement of the amount of the assessment due and the interest thereon to the day of sale.

Redemption of lands.

Conveyance to purchaser.

Advertisements of sale.

§ 8. The supervisor shall apply the proceeds of such sale as follows:

Proceeds of sale, how applied.

1. He shall retain for his own use therefrom the same fees and disbursements for making the sale to which a sheriff is entitled for selling lands on an execution, which fees and disbursements shall be a charge upon the lands, and collected from the purchaser.

2. Apply the remainder of the proceeds, so far as necessary, to payment of the amount of any assessment charged against the lands sold under the provisions of this act, and then to be applied to the payment of said bonded indebtedness.

3. So much as is necessary to all other town, county or State taxes, assessments or charges on the same.

4. The surplus he shall pay to the treasurer of the county of Erie, to be subject to the order of any court of record having jurisdiction of actions for the foreclosure of mortgages on lands situated in the town of Amherst; and such court may direct the distribution of any surplus by the same procedure and under the same rules and practice as if said fund were the surplus on the sale of land on foreclosure of mortgage by action in such court, and as if all the parties interested were parties to such action and had been served with a summons in the action.

Purchase
of lands
for taxes

§ 9. It is hereby made the duty of the supervisor to personally attend all such sales of real estate, and it shall be the duty of the supervisor, if the highest sum which has been bid by others for any parcel of land be not sufficient to pay the assessment, with interest and the expenses of the sale, and he shall regard it best for the town to do so, to purchase and take title to said land in the name of the town, and thereupon said amounts shall be paid from the fund acquired from the sale of said bonds, or shall be a charge against said town, and the town is hereby given capacity to acquire title to lands at such sale, and to possess the same, and sell and convey the same as soon as may conveniently be done, to the advantage of the said town of Amherst.

Highway
intersec-
tions, im-
prove-
ment of,
etc.

§ 10. The spaces occupied by any and all highways crossing any of the highways to be improved, under the provisions of this act, shall not be considered as forming any part of the frontage bounding on such highways, or for which the said lots or parcels or land listed, as provided in section six, shall be charged as in said section provided, or sold as in section seven provided; but the improvement of said space shall be a separate charge, and the expense thereof shall be audited by the town board, shall be a charge against said town, and shall be paid for by said town as are other charges against it.

Contracts
for work.

§ 11. The said town board shall have all necessary powers to make and enter into contracts for the doing of the work and the making of the improvement contemplated and authorized by this act. And all contracts when awarded shall be executed in writing and in duplicate by the contractor or contractors on the one part and the said town board acting for the town of Amherst on the other part. One of the said originals shall be delivered

to the contractor and the other shall be filed in town clerk's office of said town. The work and material called for by said contractor or contractors shall be done and furnished under the direction and supervision and subject to the inspection of said town board, or of any engineer, supervisor or inspector it may appoint, but in no event shall the town of Amherst be held in any action brought or had under any contract so made, or any other or greater liability than that expressed therein, nor required to pay out or otherwise dispose of any sum of money for the doing of such work or the furnishing of such material greater than is stipulated in such contract, nor otherwise than in strict conformity with the stipulations thereof. At the time of the letting of such contract by advertisement, as hereinbefore provided for, the said town may reject any or all bids; and in case of the rejection of all bids, the said town board shall readvertise for other proposals, and shall continue to do so until bids acceptable to the said town board shall have been made. In case any work shall be abandoned by any contractor, or his contract terminated, pursuant to the provisions thereof, it shall be readvertised and relet in the manner in this act provided for the original letting of said work. No extra work or materials shall be done or furnished or allowed for unless the same is allowed by said town board in writing before the same is done or furnished.

Super-
vision and
inspection.Liability of
town.Readver-
tising and
reletting of
contractsExtra work
and ma-
terials.Designa-
tion of
banks of
deposits.Interest on
deposits.Depos-
itories to
give bonds.

§ 12. In case the said town board shall deem it necessary or proper so to do, it may make an order to be entered on the minutes of said board, designating one or more good and solvent banks, bankers or banking associations in the county of Erie, or the county of Niagara for the deposit of all moneys received by the supervisor upon the sale of bonds as in this act provided, and said board shall have power and authority to agree with such bank or banks, banker or bankers, association or associations, upon a rate of interest per annum to be paid on the money when deposited, and the accrued interest thereon shall as often as once in six months be credited by such depository or depositories to the account of the supervisor for the use of said town, and each bank, banker or banking association so designated shall for the benefit and security of the town, and before receiving any such deposit, give to the town board of such town good and sufficient bond, with two or more sureties to be approved by the said town board and by said supervisor. Such bond to specify the

amount which such depository or depositories shall be authorized to have on deposit, and shall be in the penal sum of twice the amount, and shall be conditioned for the safe-keeping and payment on the order of the said town board of such deposit, and of the agreed interest thereon. And it shall be the duty of the said supervisor, upon the making of such order of the said town board, to forthwith deposit all sums of money received by him from the sale of said bonds with such depository or depositories so selected by said town board after the execution of good and sufficient bond as aforesaid, and thereupon the said supervisor shall be relieved and released from all liability occasioned from any loss of said moneys while upon deposit with such depository or depositories, but nothing herein contained shall be held to relieve said supervisor of responsibility for the loss of any such moneys while the same are in his hands.

Deposit of
proceeds of
bonds by
supervisor

Release of
supervisor
from lia-
bility.

Lands sub-
divided, re-
listing of

§ 13. In case of any division or subdivision of any separate lot or parcel of land listed by said board as in section six provided, after such listing and the confirmation of the same as is also in said section provided, which division or subdivision may have been occasioned by sale, devise, partition or contract, if the said town board shall deem it advisable so to do, it is hereby authorized to make a new and revised list of any lot or parcel of land so divided or subdivided, according to the number of feet frontage thereof, which said listing may be made either upon the application of the owner or owners of the same and interested therein or by said board on its own motion, upon satisfactory evidence produced before it showing the actual and legal division thereof in the manner aforesaid. It shall not in such case, be necessary, however, to publish any notice in order to effect the said division or subdivision or listing of the same. But in case the same is made otherwise than upon the application of the owner or owners interested, then a reasonable notice in writing shall be given such property owner or owners by the said town board of the intention of the said board to make the same, and an opportunity to be heard regarding the necessity or propriety of making the same furnished to such owner or owners.

Notice to
owners.

§ 14. This act shall take effect immediately.

Chap. 407.

AN ACT to authorize and empower the village of Greenbush, in Rensselaer county, to borrow money and to issue bonds therefor for the purpose of paying and satisfying certain awards and judgments against said village, which grew out of the change of grade of Broadway, one of the public streets in said village, and to provide for the payment of said bonds.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The village of Greenbush, in Rensselaer county, is hereby authorized and empowered to borrow on the credit of the said village the sum of twenty thousand dollars, or so much thereof as may be necessary, for the purpose of paying and satisfying the awards and judgments, with the interest thereon, recovered against said village by William Kennedy, John F. Kapp, Margaret Vaughn, Adam Bonacker and Margaret Hassett, which said judgments and awards said village of Greenbush is legally bound to pay and satisfy. For the moneys so borrowed, the said village of Greenbush is hereby authorized and empowered to forthwith issue its bonds for the amount sufficient to pay and satisfy said awards and judgments. Said bonds shall be issued under the seal of said village of Greenbush, and subscribed by the president and treasurer thereof, and shall be known as "Broadway grade damage bonds of the village of Greenbush," and shall be in the sum of one thousand dollars each, except that the last one of said bonds issued shall be in the sum necessary to make up the total amount of the said awards and judgments remaining after the issue of the remaining said bonds. Said bonds shall bear interest at a rate not to exceed five per centum per annum, payable semi-annually, and each of said bonds shall be payable in ten years from the date of the issue thereof. A record of said bonds shall be kept in the office of the treasurer of said village, and shall be open to the inspection of any citizen.

§ 2. The board of trustees of the said village of Greenbush, in making up the annual tax budget of said village, shall each year notify the assessors of said village to levy and assess upon the

Amount to
be held for
payment of
principal.

taxable property in said village, and said assessors shall add to the village tax imposed upon such taxable property of said village, in addition to the usual annual tax, an amount sufficient to pay the interest falling due and payable on said bonds during such year, and also an amount sufficient to pay one-tenth of the principal of said bonds. The amount raised by tax in each year for the payment of the principal of said bonds shall be preserved intact by the village treasurer of said village until said bonds mature and are payable, and upon the maturity of said bonds said village treasurer shall pay the same in full out of the moneys so raised by annual tax therefor, and shall thereupon take back said bonds with receipt of the payment thereof and deliver them to the board of trustees of said village for cancellation. Said village treasurer shall deposit, at interest, the said moneys yearly raised by tax for payment of the principal of said bonds in such bank or depository as shall be designated by the board of trustees of said village, and the amount realized from the interest thereon shall be used for the purposes of said village under the direction of said board of trustees.

Deposit of
same in
bank.

Sale of
bonds.

§ 3. The bonds in this act provided to be issued shall be sold by the village treasurer of said village, for not less than par, and the proceeds of the sale of said bonds shall be applied by said village treasurer to the payment and satisfaction of said awards and judgments, for the payment of which said bonds are by this act authorized to be issued.

§ 4. This act shall take effect immediately.

Chap. 408.

AN ACT to authorize the Troy and West Troy Bridge Company to borrow money to pay its existing indebtedness, and to issue its bonds to secure the payment thereof.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
bonds
authorized.

Section 1. It shall be lawful for the Troy and West Troy Bridge Company, with the assent of the stockholders owning two-thirds of the stock of said company, by a vote of its board of

directors, to issue bonds to the amount of two hundred thousand dollars, payable in twenty years from the date thereof, with interest not exceeding six per cent. per annum, and with the proceeds the said company shall pay its bonded indebtedness now existing and matured, and the said Troy and West Troy Bridge Company shall, from the toll receipts of its bridge, during said period, pay the interest upon said bonds when due, and the principal thereof at their maturity. The bonds issued under the provisions of this act shall be secured by mortgage upon the property and franchises of said company.

Payment
of interest
and principal.

Mortgage
to secure
bonds.

§ 2. This act shall take effect immediately.

Chap. 412.

AN ACT to amend chapter one hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act for the better protection of lost and strayed animals, and for securing the rights of the owners thereof."

Accepted by the cities.

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and fifteen of the laws of eighteen hundred and ninety-four, entitled "An act for the better protection of lost and strayed animals and for securing the rights of the owners thereof," is hereby amended to read as follows:

Act
amended.

§ 1. Every person who owns or harbors one or more dogs within the corporate limits of any city having a population of over eight hundred thousand, shall procure a yearly license and pay the sum of two dollars for each dog, as herein-after provided; and in applying for such license, the owner shall state in writing the name, sex, breed, age, color and markings of the dog, for which the license is to be procured.

Yearly dog
license.

§ 2. Licenses granted under this act shall date from the first day of May in each year, and must be renewed prior to the expiration of the term by the payment of one dollar for each renewal.

Date and
renewal.

Certificate
of license.

§ 3. Each certificate of license or renewal shall state the name and address of the owner of the dog, and also the number of such license or renewal.

Collar with
tag to be
worn.

§ 4. Every dog so licensed shall, at all times, have a collar about its neck with a metal tag attached thereto, bearing the number of the license. Such tag shall be supplied to the owner with the certificate of license and shall be of such form and design as the society empowered to carry out the provisions of this act shall designate, and duplicate tags may be issued only on proof of loss of the original and the payment of the sum of one dollar therefor.

Seizure and
disposal of
unlicensed
dogs.

§ 5. Dogs not licensed pursuant to the provisions of this act shall be seized, and if not redeemed within forty-eight hours, may be destroyed or otherwise disposed of at the discretion of the society empowered and authorized to carry out the provisions of this act.

Seizure and
disposal of
cats.

§ 6. It is further provided that any cat found within the corporate limits of any such city without a collar about its neck bearing the name and residence of the owner stamped thereon, may be seized and disposed of in like manner as prescribed above for dogs.

Possession
of animals
how re-
sumed.

§ 7. Any person claiming a dog or cat seized under the provisions of this act, and proving ownership thereof, shall be entitled to resume possession of the animal on payment of the sum of three dollars, provided, however, that such claim shall be made before the expiration of the forty-eight hours as provided in section five.

Society
may carry
out act.

§ 8. The American Society for the Prevention of Cruelty to Animals is hereby empowered and authorized to carry out the provisions of this act, and the said society is further authorized to issue the licenses and renewals, and to collect the fees therefor, as herein prescribed, provided, however, that the said society shall defray the cost of carrying out the provisions of this act and maintaining a shelter for lost, strayed or homeless animals.

Interfer-
ence with
officer or
agent.

§ 9. Any person or persons, who shall hinder or molest or interfere with any officer or agent of said society in the performance of any duty enjoined by this act, or who shall use a license tag on a dog for which it was not issued, shall be deemed guilty of a misdemeanor. Any person who owns

or harbors a dog without complying with the provisions of this act shall be deemed guilty of disorderly conduct, and upon conviction thereof before any magistrate shall be fined for such offense any sum not exceeding ten dollars, and in default of payment of such fine may be committed to prison by such magistrate until the same be paid, but such imprisonment shall not exceed ten days. Harboring dogs unlawfully.

§ 10. None of the provisions of this act shall apply to dogs owned by non-residents passing through the city, nor to dogs brought to the city and entered for exhibition at any dog show. Not applicable to certain dogs.

§ 11. The thirtieth subdivision of section eighty-six of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Repeal.

§ 12. This act shall take effect immediately.

Chap. 414.

AN ACT to amend chapter one hundred and eighty-one of the laws of eighteen hundred and eighty-three, entitled "An act to secure the better application of funds for the relief of the poor in the town of Herkimer, in the county of Herkimer."

BECAME a law April 25, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and eighty-one of the laws of eighteen hundred and eighty-three, entitled "An act to secure the better application of funds for the relief of the poor in the town of Herkimer, county of Herkimer," is hereby amended to read as follows: Act amended.

§ 1. The supervisor of the town of Herkimer shall, on the first Monday in May next, appoint four freeholders of said town, two of whom shall belong to each of the two political parties casting the largest vote at the last general election in said town, who shall constitute a board of alms of said town, and be known as the "board of alms of the town of Herkimer." Board of alms.

Overseer of
poor, ap-
pointment
of.

Minutes of
proceed-
ings.

Terms of
office.

Annual ap-
pointment
of member
of board.

Vacancies.

Term and
compensa-
tion of
overseer.

Duties of
overseer.

The board of alms so appointed shall meet on the second Monday in May in each year at the town room, and by a majority vote appoint a freeholder of said town, to be known as the overseer of the poor of said town, and who shall hold his office for one year. The town clerk shall attend all meetings and keep the minutes of their proceedings, which shall be recorded in the books of record of said town.

§ 2. Section two of said act is hereby amended to read as follows:

§ 2. At the time of their appointment the said supervisor shall designate one of the persons so appointed by him to hold, and who shall hold his office for one year; another to hold and who shall hold his office for two years; another to hold and who shall hold his office for three years; another to hold and who shall hold his office for four years. The supervisor shall thereafter annually on the first Monday in May at the town room appoint one member of the said board of alms who shall be a freeholder of said town and shall hold his office for four years and until his successor shall be appointed. Vacancies in the office shall be filled for the unexpired term, and shall be from the same political party as the outgoing members.

§ 3. Section four of said act is hereby amended to read as follows:

§ 4. The overseer of the poor appointed by the said board of alms shall hold his office for one year from the second Monday in May of each year, and no longer unless reappointed. The board of alms of said town shall determine his compensation for all such services rendered by him as such overseer which shall not exceed four hundred dollars per annum.

§ 4. Section nine of said act is hereby amended to read as follows:

§ 9. The duties of the office of overseer of the poor of the town of Herkimer are hereby transferred to the overseer of the poor to be appointed by the said board of alms, and to be administered under the direction of said board of alms to take effect as soon as said overseer has been appointed. The said overseer so appointed shall from time to time perform all the duties devolved upon the overseer of the poor of said town heretofore elected in and for said town; subject, however, to the direction of the board of alms and shall keep the vouchers,

registers and accounts and charges required by law of overseers of the poor. He shall report to the board of alms quarterly and shall cause such report to be printed at least once in two newspapers of the village most nearly representing the two leading political parties, the names of all persons furnished and the amount to each person and family. And shall prepare annually a statement showing the names of all persons and families who have received relief and the amount to each person and family. No overseer of the poor shall be elected in said town of Herkimer after the passage of this act and the office of existing overseer of the poor shall become vacated by the present incumbent upon an appointment of an overseer of the poor, as provided in the first section of this act.

Quarterly
report to
board.

Annual
statement.

Office of
existing
overseer
vacated.

§ 5. Section ten of said act is hereby amended to read as follows:

§ 10. The board of alms may audit and allow for their own services a sum not exceeding one hundred dollars to be apportioned among them as a majority may direct to be deemed expenses of administering the poor fund and to be raised as provided in section eight of this act.

Compensa-
tion of
member of
board.

§ 6. This act shall take effect immediately.

Chap. 419.

AN ACT to amend chapter four hundred and fifty-two of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Westfield."

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter four hundred and fifty-two of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the charter of the village of Westfield," as amended by chapter fifty-four of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

Charter
amended.

§ 11. Whenever any vacancy shall occur in the office of a trustee more than three months before an annual election, the clerk shall give notice of a meeting of the electors to fill the vacancy and any

Elections
to fill va-
cancies.

other that may exist in any of the elective offices of said village, which shall be specified in such notice. Such notice shall be given in the same manner and for the same length of time previous to such election as is herein provided respecting the annual election. The same officers shall act as inspectors of such election and the same shall be conducted and the result ascertained and declared in the same manner as the annual election.

§ 2. This act shall take effect immediately.

Chap. 420.

AN ACT to amend chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-four, entitled "An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the county of Westchester, and to fix the duties and compensation of the sheriff of said county and of certain employes in the jail of said county."

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amend. d.

Section 1. Section one, chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-four, entitled "An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the county of Westchester and to fix the duties and compensation of the sheriff of said county and of certain employes in the jail in said county," is hereby amended so as to read as follows:

Fees of
sheriff in
civil cases.

Annual
salary.

§ 1. The sheriff of Westchester county shall receive his fees and perquisites in all civil cases in which the same are to be paid by private persons and in addition thereto he shall receive an annual salary not to exceed the sum of ten thousand dollars to be fixed by the board of supervisors, to be paid quarterly by the treasurer of Westchester county, in full of all fees or other compensation from the county of Westchester; and he shall not

receive from the county of Westchester any fees, compensation or perquisites of any kind or nature whatsoever, excepting only his aforesaid salary, from which he shall pay all such assistants other than those whose salaries are herein specifically provided for, as shall be proper to enable him to conveniently exercise the duties of his office and in consideration of which he shall do and perform all duties now or which may hereafter be imposed upon him by law and including the serving of subpoenas issued by the district attorney and all other services which have heretofore been performed by the sheriff of said county or his deputies which are a county charge without fee or reward from the county of Westchester, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor, but he shall be entitled to his actual disbursements for travel, lodging and food incurred while attending to the transportation of juvenile delinquents and any other persons whom he is required by law to transport, where the cost of such transportation is made by law a county charge. The bill for aforesaid disbursements shall be presented to and audited by the board of supervisors of Westchester county at their annual session. The sheriff shall appoint the following officers and shall receive from the county treasurer the following compensation therefor, viz.: A clerk whose salary shall be twelve hundred dollars a year; a jailor whose salary shall be twelve hundred dollars a year; a deputy sheriff whose salary shall be fifteen hundred dollars a year; a day watchman at the jail whose salary shall be six hundred dollars a year; a night watchman at the jail whose salary shall be six hundred dollars a year; and a cook whose salary shall be five hundred dollars a year; which sums shall be paid in monthly installments. The said jailor in addition to his other duties to be prescribed by the sheriff shall keep under the supervision and direction of said sheriff the "Jailor's Docket" of prisoners hereinafter mentioned.

To perform certain duties without fee.

Disbursement in transportation of prisoners.

Appointment of officers.

Compensation therefor.

Jailor to keep docket.

§ 2. Section six of said act is hereby amended so as to read as follows:

§ 6. It shall be the duty of the sheriff to provide for the prisoners in the jail the kind and quality of food prescribed by law. Such food shall be supplied only upon requisitions in writing addressed to the person supplying the same made upon printed

Food for prisoners.

Requisitions therefor.

blanks signed by the sheriff and dated specifying in detail the amount by weight or measurement, and the quality and kind of food required. At time of the delivery of the food under such requisitions, a receipt for the same shall be indorsed upon such requisition and signed by the sheriff. The sheriff shall cause to be kept accurate books of account showing in detail all food for which requisitions are issued and the dates at which time it was received, and such books shall be the property of the county and shall always be open to the public inspection. The bills for all food or provisions furnished under this act shall be made out monthly in the form and with the verification required in case of claims against the county of Westchester, certified by the sheriff to be correct and with the requisitions and receipts attached, presented at the expiration of every two months for allowance and audit to a committee of three supervisors to be appointed by the chairman of the board of supervisors at its annual session, except that such appointment may be made in eighteen hundred and ninety-five at a special meeting thereof. The said bills, if accompanied by the certificate of said committee that the same have been allowed and audited, with the aforesaid certificate of the sheriff and with the said requisitions and receipts attached thereto, on presentation to the county treasurer, shall be paid by him as allowed and audited but not otherwise. The members of said committee shall receive for such service the same compensation as they receive for attendance at the regular session of the board. It shall be the duty of the county treasurer to make a report of his proceedings under this section to the board of supervisors at its annual meeting, to which shall be attached copies of all papers on which said payments are made. The food furnished under the aforesaid requisitions shall be used exclusively for the board and sustenance of the prisoners confined in the jail, and it shall be a misdemeanor punishable with fine and imprisonment for any person to convert the same to any other or different use or to his own use or for any person having the charge thereof to permit the same to be used for any other purpose.

§ 3. This act shall take effect immediately.

Accounts
to be kept.

Bills for
food, how
made out,
etc.

Audit by
committee
of super-
visors.

Payment of
bills.

Pay of
committee

Report to
super-
visors.

Use of food
restricted.

Penalty for
conversion
to other
use.

Chap. 421.

AN ACT to authorize the mayor of the city of Dunkirk and supervisors of the town of Dunkirk to hold, use or dispose of certain shares of stock issued by the Dunkirk, Warren and Pittsburgh Railway Company to the town of Dunkirk.

Accepted by the city.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present,

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mayor of the city of Dunkirk and supervisors of the town of Dunkirk are hereby authorized and empowered to hold and use for the benefit of the town of Dunkirk, or to sell, assign and transfer any or all of the shares of stock issued by the Dunkirk, Warren and Pittsburgh Railway Company to the town of Dunkirk, and which shares of stock are now held and owned by said town of Dunkirk, together with all the right, title and interest and all the claims, demands and equities which said town of Dunkirk ever had, may now or hereafter have in the same to any person or persons, corporation or association, and upon such terms and conditions as they shall deem most advantageous to said town of Dunkirk, and said mayor and supervisors are further hereby authorized and empowered, if they shall deem it for the best interests of said town of Dunkirk, to exchange said stock at not less than one-half its face value for stock of the Dunkirk, Allegheny Valley and Pittsburgh Railroad Company, and if they shall make such exchange, in whole or in part, they shall have the same power and authority over the stock exchanged for as is given them by this act over the said stock of the Dunkirk, Warren and Pittsburgh Railway Company.

§ 2. The proceeds arising from said shares of stock which shall come to the hands of said mayor and supervisors, whether derived from the dividends paid upon the same or from a sale of said stock, shall be applied by them as follows: They shall first apply such proceeds to the purchase and redemption of the bonds outstanding as they become due and payable, which bonds were issued by said town of Dunkirk under the authority conferred upon it by an act entitled "An act to facilitate the

Disposition
of surplus.

construction of the Dunkirk, Warren and Pittsburgh railroad, and to authorize towns in the county of Chautauqua to subscribe to the capital stock of said company," being chapter six hundred and seventy-two of the laws of the State of New York, passed April twenty-three, eighteen hundred and sixty-seven. If there should remain in the hands of said mayor and supervisors a surplus of such proceeds over and above the payment and redemption of said bonds, then said surplus shall be deposited by them with the treasurer of the town of Dunkirk to the credit of the general fund and to be used for the liquidation, first, of all bonded indebtedness and, second, any general indebtedness of said town of Dunkirk.

Repeal.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 422.

AN ACT to enable the city of Poughkeepsie to pay the expense of new pavement upon intersections of streets.

Accepted by the city.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Additional
assessment
authorized.

Section 1. The common council of the city of Poughkeepsie is hereby authorized and directed to levy and assess upon all the taxable real and personal property in the city according to the valuation of the assessment-roll for the current year, in addition to the amounts now provided by the city charter, the sum of eleven thousand nine hundred and fourteen dollars and sixty-five cents, which has been ascertained as the expense of heretofore paving the intersections of Mill street and Main street with crossing streets and City Hall place and Washington street adjoining city property, with interest on three thousand nine hundred and sixty-nine dollars and seventy-five cents, from October fifth, eighteen hundred and ninety-four, and on seven thousand nine hundred and forty-four dollars and ninety cents, from December twenty-eighth, eighteen hundred and ninety-four, and to collect the same at the same time with and as a part of

the general taxes levied by said council for the year eighteen hundred and ninety-six.

§ 2. When said sum shall have been collected it shall be used to pay two certificates of indebtedness bearing dates, respectively, October fifth, eighteen hundred and ninety-four, and December twenty-eighth, eighteen hundred and ninety-four, issued by said city and shall be credited upon the several assessments heretofore made upon said city property and the property fronting on said Mill street and Main street, in such proportions as to pay those parts of such assessments which were made to cover said expenses. Payment of certificates of indebtedness.

§ 3. The assessments heretofore made for the expenses of new pavement and new curbing upon Mill street, Main street, City Hall place and Washington street in the city of Poughkeepsia, New York, for the year eighteen hundred and ninety-four, are hereby ratified and confirmed. Prior assessments confirmed.

§ 4. This act shall take effect immediately.

Chap. 423.

AN ACT to authorize the trustees of school district number eight in the town of Potsdam, county of Saint Lawrence, to convey a portion of its real estate to the Thomas S. Clarkson Memorial School of Technology, after said school has been duly incorporated.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. After the Thomas S. Clarkson Memorial School of Technology to be located in the village of Potsdam, in the county of Saint Lawrence, has been duly incorporated under the laws of this State, the trustees of school district number eight in the town of Potsdam, in pursuance of a vote of the voters of said district, at a special district meeting, held in said district April second, eighteen hundred and ninety-five, are hereby authorized to convey to said corporation, for the use of said school the real estate belonging to said district situate on the south side of Main street in the village of Pots- Conveyance of real estate to corporation authorized.

Ham, bounded easterly by the easterly line of the Ira Ransom lot, extended southerly to the southerly bounds of said district lands, being the northerly bounds of the Mann lot; southerly by the Mann lot; westerly by the Hamlin lot, and northerly by the said Ira Ransom lot.

§ 2. This act shall take effect immediately.

Chap. 424.

AN ACT to incorporate the "Doctor Mary V. Lee fund to aid worthy students."

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporation.

Section 1. Edward A. Sheldon, principal of the faculty of the Oswego State Normal and Training School; Gilbert Mollison, president of the local board of the said school, and David Wills, junior, pastor of the Grace Presbyterian church in Oswego, and their successors in said offices, are hereby created trustees with

Powers and object of corporation.

power to receive from the executors of the last will of Doctor Mary V. Lee, late of the city of Oswego, deceased, such sums as they the said executors have or hold under said will for the purpose of aiding worthy students in obtaining an education, and such sums as they, the trustees, may receive from other sources, for that purpose, by will or otherwise, to an amount not to exceed the sum of six thousand dollars.

Corporate name.

§ 2. The said trustees, created by this act, are hereby declared to be and shall be a body corporate, and as such shall be known and designated as "Trustees of the Doctor Mary V. Lee fund to aid worthy students," and they shall keep the said fund securely invested at lawful interest, and shall annually pay the income arising therefrom in aiding worthy students in obtaining an education; and students attending the said Oswego State Normal and Training School shall have a preference in the distribution of the said fund.

Duties of trustees.

§ 3. This act shall take effect immediately.

Chap. 429.

AN ACT to amend section eleven of chapter three hundred and ninety-seven of the laws of eighteen hundred and ninety, entitled "An act to incorporate the River Bridge Company."

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter three hundred and ninety-seven of the laws of eighteen hundred and ninety, entitled "An act to incorporate the River Bridge Company," is hereby amended to read as follows:

§ 11. If said bridge be not commenced before the first day of July, nineteen hundred, and completed within five years thereafter, said corporation shall thenceforth cease.

§ 2. This act shall take effect immediately.

Chap. 431.

AN ACT to change the name of "The Baptist church in Mount Vernon.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of "The Baptist Church in Mount Vernon," sometimes described as "The Trustees of the Baptist Church of the village of Mount Vernon, town of Eastchester, county of Westchester and State of New York," a religious corporation, is hereby changed to the "First Baptist Church, Mount Vernon, New York," and as such shall enjoy and exercise all the rights and powers it has heretofore possessed.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation, made, entered into, or incurred before the passage of this act, with or to any person or persons, corporation or corporations, or of any person or persons, corporation or corporations, with or to said corporation, or any proceedings instituted, or that

Contracts,
liabilities,
etc., not
affected.

Enforce-
ment there-
of.

may be instituted, to enforce any contract, obligation, liability, or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent and liable to be enforced by and against said corporation by the name of the "First Baptist Church, Mount Vernon, New York," in the same manner as if the alteration contained in this act had not been made.

§ 3. This act shall take effect immediately.

Chap. 432.

AN ACT to change the corporate name of the Davenport Institution for Female Orphan Children, incorporated under chapter one hundred and thirty-two of the laws of eighteen hundred and sixty-three.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Name
changed.

Section 1. The Davenport Institution for Female Orphan Children, incorporated under chapter one hundred and thirty-two of the laws of eighteen hundred and sixty-three, is hereby authorized to change its corporate name, and such corporate name is hereby changed to The Davenport Home for Female Orphan Children, and under such corporate name of The Davenport Home for Female Orphan Children is authorized and empowered to perform all the duties and to enjoy all the powers and privileges granted and conferred by the aforesaid act; and such Davenport Home for Female Orphan Children shall own all the property and receive all and any money or other evidence of indebtedness, and shall assume any and all liabilities and obligations of the said Davenport Institution for Female Orphan Children.

Powers,
duties, etc.
of new
corpora-
tion.

Intention
of act.

§ 2. The intention of this act is only to change the name of the said Davenport Institution for Female Orphan Children to The Davenport Home for Female Orphan Children; and nothing herein contained shall be construed as changing, altering or affecting the corporate powers of said corporation.

§ 3. This act shall take effect immediately.

Chap. 433.

AN ACT to authorize the Jewelers' League of the city of New York to re-incorporate as a fraternal beneficiary society, order or association under the name of the Jewelers' League of New York.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Jewelers' League of the City of New York, heretofore incorporated under the laws of this State, and transacting the business of life insurance upon the co-operative or assessment plan, may under the name of the Jewelers' League of New York, reincorporate as a fraternal beneficiary society, order or association, under the provisions of article seven of chapter six hundred and ninety-two of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws."

Reincorporation of association authorized.

§ 2. This act shall take effect immediately.

Chap. 434.

AN ACT in relation to Stuyvesant avenue, in the city of Brooklyn.

Accepted by the city.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. None of the provisions of existing law, nor any proceedings thereunder, shall authorize the construction, maintenance, extension, or operation of any surface, elevated, steam or electric railway upon Stuyvesant avenue in the city of Brooklyn, or any portion of the same, between Broadway and Fulton street, unless the consent of a majority of the owners of the property in number and value thereof bounded on Stuyvesant avenue between said Broadway and Fulton street be first obtained in writing duly acknowledged, as are deeds entitled to be recorded.

Consent for railways upon avenue.

§ 2. This act shall take effect immediately.

Chap. 435.

AN ACT to incorporate the New York Zoological Society and to provide for the establishment of a zoological garden in the city of New York.

Accepted by the city.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate
rators.

Section 1. Charles A. Dana, Oswald Ottendorfer, Andrew H. Green, William H. Webb, Henry H. Cook, Samuel D. Babcock, Charles R. Miller, George G. Haven, J. Hampden Robb, Frederick W. De Voe, J. Seaver Page, Rush C. Hawkins, David James King, Wager Swayne, Charles A. Peabody, Jr., Charles E. Whitehead, Charles R. Flint, Samuel Parsons, Jr., Mornay Williams, Henry E. Gregory, Isaac W. Maclay, Isaac Rosenwald, Hugh N. Camp, Andrew D. Parker, Cornelius Van Cott, William F. Havemeyer, Frederick Shonnard, William W. Thompson, Alexander Hadden, Edward L. Owen, John H. Starin, Rush S. Huidekoper, William W. Goodrich, Albert H. Gallatin, Frederick S. Church, Edward C. Spitzka, Robert L. Niles, Madison Grant, C. Grant LaFarge, William Van Valkenburg, and such other persons as may, under the provisions of its by-laws, become members of the corporation hereby created, are hereby created a body corporate and politic, by and under the name of the New York Zoological Society.

Corporate
name.

Establish-
ment of
zoological
garden,
etc.

§ 2. Said corporation shall have power to establish and maintain in said city a zoological garden for the purpose of encouraging and advancing the study of zoology, original researches in the same and kindred subjects, and of furnishing instruction and recreation to the people, and may purchase and hold animals, plants and specimens appropriate to the objects for which said corporation is created.

By-laws.

§ 3. The managers of said corporation shall have power to make and adopt by-laws for the management and government of its affairs and business, for the admission, suspension and expulsion of its members, and for the terms and conditions of membership; to prescribe the number and mode of election of its officers; to define their duties; to provide for the safekeeping of its property, and from time to time, to alter and modify its by-laws.

§ 4. The affairs and business of said corporation shall be managed and controlled by a board of managers, the number of whom shall be prescribed by the by-laws. The first board of managers shall be divided by lot into three classes, equal in number, one of which classes shall hold office for one year, another for two years, and the other for three years; and all persons elected to be managers at any subsequent election shall hold office for three years, and until others are elected in their stead. There shall be a president, two vice-presidents, treasurer and secretary, to be elected by the board of managers annually, who shall hold office until others are elected in their stead. The first meeting under this act may be held at any time upon a notice of five days, signed by any five of the incorporators named in the first section of this act, fixing a time and place for such meeting, a copy whereof shall be mailed to each of said incorporators at his usual post-office address, and twelve of such incorporators shall be a quorum for the purpose of organization, adoption of by-laws and election of officers. No manager of said corporation shall receive any compensation for his services nor be interested, directly or indirectly, in any contract concerning its property or affairs.

Board of managers.

Officers.

First meeting.

Quorum.

Compensation and interest in contracts, etc.

§ 5. Said corporation may raise money by the issue of its bonds, secured by a mortgage, on any or all of its property not acquired from said city or state.

Issue of bonds.

§ 6. Said corporation may take, purchase and hold real and personal estate necessary for the purpose of its incorporation, the net annual income of which shall not exceed fifty thousand dollars, and shall possess the general powers and be subject to the restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the revised statutes.

Real and personal estate.

§ 7. The commissioners of the sinking fund of the said city are authorized in their discretion to allot, set apart and appropriate, for the use of said corporation any of the lands belonging to said city north of One Hundred and Fifty-fifth street, but not in the Central park, and such appropriation may be revoked if after the expiration of five years from the passage of the act a zoological garden is not established thereon; said grounds thus set apart and appropriated shall be used for no purpose whatsoever except those aforesaid. As soon as any lands are set apart, the mayor of

Grounds to be set apart for use of corporation.

Ex-officio
members
of board.

the said city of New York, and the president of the department of parks of said city, shall become and be ex-officio members of the board of managers of said corporation. If at any time the animals now composing the menagerie at Central park shall be removed therefrom by the authorities having charge thereof, said authorities may make an arrangement with the incorporators named in this act or the corporation formed by them for leasing or sale of such animals to such incorporators or corporation, and said incorporators or corporation shall have a preference over any other person or corporation in respect thereto upon the same terms which said authorities could make with any such other person or corporation, or upon such other terms as to such authorities may seem proper, but nothing herein provided shall be construed as giving the commissioners of the department of public parks authority to sell, lease, transfer or in any otherwise dispose of said animals or other property connected with or belonging to said menagerie.

Lease or
sale of ani-
mals to
corpora-
tion.

Admission
to garden.

§ 8. Admission to the said garden shall be free to the public for at least four days, one of which shall be Sunday, in each week, subject to such rules and regulations as shall be prescribed by said corporation.

§ 9. This act shall take effect immediately.

Chap. 436.

AN ACT to amend section eleven of title three of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," relating to signing warrants.

Accepted by the city.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Subdivision two of section eleven of title three of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting

public interests in the city of Brooklyn," is hereby amended by adding thereto the following: Provided, however, that he may designate in writing, some suitable person employed in the office of said mayor, to sign in his stead all salary warrants to whatever amount and all other warrants not exceeding in amount two hundred and fifty dollars; and may, from time to time, revoke or change such designation. He shall file a copy of such designation or revocation in the office of the comptroller, and a copy thereof in the office of the city treasurer.

Designation of person to sign warrants.

§ 2. This act shall take effect immediately.

Chap. 438.

AN ACT to amend chapter six hundred and three of the laws of eighteen hundred and ninety-two, entitled "An act to authorize and provide for the construction of a sewer in the tenth, fifteenth and twentieth wards of the city of Rochester, and in the town of Gates, in the county of Monroe."

Accepted by the city.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several sections of chapter six hundred and three of the laws of eighteen hundred and ninety-two, entitled "An act to authorize and provide for the construction of a sewer in the tenth, fifteenth and twentieth wards of the city of Rochester, and in the town of Gates, in the county of Monroe," hereinafter mentioned are hereby amended so as to read as follows:

Act amended.

§ 4. If said commissioners shall report that such sewer is necessary for the public health, and such report shall be confirmed by the county court of said county, said court shall thereupon, upon the application of the city attorney of the city of Rochester or of any other person alleged to have an interest in the matter of said sewer, appoint three persons resident within the county of Monroe, residing in the city of Rochester, or in the town of Gates, one of whom shall be an attorney-at-law, as commissioners of sewerage under this act; and the persons so appointed are

Commissioners of sewerage, appointment of.

authorized and empowered to lay out and construct a sewer of such dimensions and of such materials, and in such manner, as in their judgment shall be proper, between the points and upon, substantially, the route above specified. Said commissioners shall be known as commissioners of sewerage for the tenth, fifteenth and twentieth wards in the city of Rochester, and the town of Gates. They shall, before they enter upon the duties of their office, make and file an oath of office, with the county clerk of the county of Monroe, that they will faithfully discharge the duties of their office to the best of their knowledge and ability.

Oath of office. A majority of the commissioners present at any meeting, of which all shall have notice, may exercise the powers of the commission, except as to those matters which by the provisions of sections five, six and seven hereof are to be performed by said commissioners in conjunction with the two other commissioners as provided for in said sections. They shall with all convenient speed after qualifying as herein provided, meet and organize by appointing one of their members chairman, one treasurer and one secretary of the commission. Any two of the said offices may be held by the same person. The treasurer shall, during the continuance of said commission, collect and be the custodian of all moneys to be collected or received by the commissioners under the provisions of this act, and he shall pay out the moneys so received only upon the orders of the commissioners, signed by at least two of their number. The treasurer shall before he proceeds to collect any of the moneys, give a bond to the people of the State of New York in such an amount and in such sureties as shall be approved by a justice of the supreme court in the seventh judicial district, or by the county judge of Monroe county, conditioned for the faithful performance of the duties of his office, and file the same in said clerk's office. Any person may apply to any justice of the supreme court of said district, or to the judge of Monroe county, upon an affidavit showing the necessity therefor, for an order requiring said treasurer to show cause why an additional bond should not be filed, and upon the service of such order on said treasurer he shall not collect any more money until said justice or judge shall determine upon such application. Said judge or justice shall have the right to require such additional bond as to him shall seem necessary. Said justice or judge may accept a bond, guaranteed by some

Quorum.

Organisation.

Treasurer, his duties.

Official bond.

Additional bond.

only incorporated guaranty company, as a compliance with this statute. Said county judge of Monroe county may, at any time, upon the application of the city attorney of said city or any person interested in the matter, remove said commissioners, or either of them, or any of their successors, for cause shown, after an opportunity shall have been afforded to the commissioner or commissioners sought to be removed, to answer such charges; and may also, at any time supply any vacancy in such commission, occasioned by death, resignation, or otherwise; except that any vacancy for any reason in the office of the two commissioners hereinafter provided for and to be appointed by the town board of the town of Gates, shall be filled by appointment by said town board.

Removal
for cause.

Vacancies.

§ 5. Said commissioners shall, in conjunction with two additional commissioners, who shall be appointed by the town board of the town of Gates, within ten days after the passage of this act, and who shall be residents of the county of Monroe, and who shall, before entering upon the duties of their office, make and file the above prescribed oath of office with the clerk of Monroe county, and shall thereupon be vested with all powers prescribed herein and in said chapter six hundred and three of the laws of eighteen hundred and ninety-two, equally with the other commissioners therein provided for, except as hereinafter stated, proceed forthwith, by personal view of the lands and otherwise, to determine the exact course of said sewer; and the lands through which the same shall be constructed; and the several parcels of lands to be benefited thereby; and they shall cause an accurate survey of all such lands, and a map thereof shall be made, showing the course and extent of said sewer, as determined by them; and showing the several parcels of land that are proposed to be drained, and the several parcels or tracts determined by them to be benefited by such drainage, together with the names of the owners or occupants thereof, so far as the same, with reasonable diligence, can be ascertained by them; and the size of said sewer proposed to be constructed, and which they shall determine to be necessary for the drainage and sewerage of such lands; and they are hereby authorized and empowered to employ a competent civil engineer with such assistants as shall be deemed necessary to act as such in such determination, and

Determination of
course of
sewers with
additional
commissioners of
town.

Survey and
map of
lands.

Civil
engineer
and assistants.

Right to
enter upon
lands.

said commissioners and said civil engineer and his assistants are authorized and empowered to enter upon any and all of the lands deemed necessary by said commissioners, and to survey the same and take the levels thereof, and to do all things necessary for the construction of such sewer, as they shall deem necessary for the drainage and sewerage of the land so surveyed by them.

Estimate
of cost and
expense.

§ 7. Said commissioners shall, before entering upon the construction of said sewer, ascertain and determine, as nearly as may be, the cost and expense thereof, including damages and compensation to be made for lands or right of way taken, including interest at six per centum per annum upon all installments payable after thirty days from the filing of the assessment-roll, hereinafter referred to, which statement shall be verified by said commissioners or a majority of them, and shall apportion the costs so ascertained upon the several tracts or parcels of land included in said map, situate and being within the wards of the city of Rochester, or the town of Gates, in the county of Monroe, and the owner or occupants thereof, if ascertained, as they shall deem to be benefited by such sewer in proportion to the amount of benefit which each shall be deemed by said commissioners to receive therefrom. Such

Apportion-
ment upon
property
benefited.

apportionment shall be in the usual form of an assessment-roll and shall specify the names of the owners or occupants of the lots or parcels of land intended to be assessed, if known, or shall describe said lots and parcels of land by any description that shall fairly distinguish the same, without reference to the owners or occupants, which said assessment-roll shall be signed by at least four of said commissioners and no determination of the several parcels of land to be benefited as aforesaid, and no apportionment of the cost so ascertained upon the several tracts or parcels of land included in said map or on said assessment-roll shall be valid unless concurred in by four of the said commissioners, all other acts hereinbefore and except as hereinafter provided for in sections five, six and seven may be done by said commissioners or a majority of said five commissioners. After such assessment shall have been completed, the said commissioners shall meet at some place designated by them in the city of Rochester, to hear the allegations and objections of all persons interested in the

Assess-
ment-roll.

Concur-
rence of
commis-
sioners
necessary.

Meeting to
hear griev-
ance.

assessment, of which at least ten days' previous notice shall be given in at least three daily newspapers published in said city, one of which shall be a German newspaper, by the publication of said notice in each issue of said newspaper. The said commissioners shall, at the time and place specified in said notice, and for a period of thirty days from such time, hear the allegations and objections of such persons interested in said lands as shall appear before them. Said assessment-roll shall there be open to the examination and inspection of all persons interested, between the hours of nine in the morning and five in the afternoon, from and after the last publication of said notice until the last day for hearing allegations in reference thereto. After such allegations are closed, said commissioners shall proceed to review said assessment and are hereby authorized to make such corrections therein as they may deem proper and may decrease or increase any assessment made by them to such an amount as to them shall seem fair and equitable. But no correction, increase or decrease of any assessment made by them shall be made without the concurrence of four of said commissioners. And when said review shall be completed by said commissioners the same shall be verified by the oath of at least four of said commissioners by whom it is made to the effect that the same is in all respects just and true to the best of their judgment and belief. When such assessment-roll shall be completed the same, or a copy thereof, shall be filed with the clerk of Monroe county, whereupon the duties and powers herein conferred upon the two commissioners appointed by the town board of the town of Gates shall cease unless a reassessment or reassessments shall be required to be made as provided in section twelve of said chapter six hundred and three of the laws of eighteen hundred and ninety-two, or for any reason or purpose, whereupon said commissioners so appointed by the town board of the town of Gates shall have the same powers upon any reassessment as are herein given for the purpose of said original assessment. From the time of filing, said assessment-roll shall be and remain a lien and charge upon the lands against which it is made, until fully paid or otherwise discharged, and shall also create a personal obligation or liability

Time for
inspection
of roll.

Review of
assessment.

Verification
of
completed
roll.

Duties of
town com-
missioners
to cease un-
less, etc.

Lien of
assess-
ment.

Personal
liability.

against the person assessed and who is the owner of any lot, to pay said commissioners the amount of such assessment, for the collection of which, together with the interest, cost and expenses, said commissioners may maintain in their name as commissioners an action in a court of competent jurisdiction in addition to any other remedies herein provided for the collection thereof.

Actions for collection of assessments. Notice of the filing of such completed assessment-roll and of the place where the assessments levied therein are payable shall be published at least five times in three of the daily newspapers of the city of Rochester, one of which shall be a German newspaper, immediately after the filing of such roll. Such assessment shall be made payable as follows, namely: One-fifth in thirty days after the completion of the notice of the filing of said assessment-roll, and the balance in eight annual installments thereafter, including the interest thereon. Any person who is assessed as hereinbefore provided may prepay the whole or any part of his assessment, and upon such prepayment shall be entitled to a rebate or discount on the amount so prepaid at the rate of six per centum per annum for the period between the date of payment and the date when such payment would become due. At the expiration of the said thirty days from the completion of the notice of the time of filing such assessment-roll said commissioners may issue their warrant for the collection of any installment of such assessment then remaining unpaid and due, together with interest thereon at the rate of six per centum per annum, together with five per centum as fees for the collection of the same, which warrant may be issued to any collector or collectors appointed by said commissioners to collect such assessment, and shall be returned in not less than thirty days from the date of issue of the same; such collector or collectors shall proceed to collect such assessments in the manner provided by law for the collection of taxes in the city of Rochester, and shall, upon the return day of said warrant, return the same to such commissioners, with their proceedings thereon.

Notice of filing roll, etc. Upon the filing of said completed assessment-roll the assessment-roll heretofore made by the commissioners, Horace G. Pierce, Frank S. Upton and George B. Swikehard, pursuant to chapter six hundred and three of the laws of eighteen hundred and ninety-two, and filed in Monroe county clerk's office on the thirty-first day of July, eighteen hundred and ninety-three, shall be and the

Payment of installments.

Discounts.

Warrants for collection of installments.

Collections, how made.

Assessment-roll heretofore made canceled.

same is hereby vacated and canceled, and the lien of the same upon any parcels of land in the town of Gates or in the city of Rochester is hereby discharged, except that nothing herein contained shall impair in any manner the rights of any holder of certificates or evidence of indebtedness heretofore issued by said commissioners pursuant to said act. But any such certificate so issued shall be paid out of the funds raised by the assessment hereinbefore provided for, and shall be treated and have the same force and effect as any certificates hereafter issued by said commissioners. Any payments heretofore made, or that hereafter may be made, on such former assessment-roll shall be credited upon the assessment above directed to be made, with interest from the time of any such payment; if the reassessment shall be less than the amount paid, the excess shall be applied on future installments, if such there be; if there are none, then the same shall be returned to the payor or to any person who has succeeded to his rights.

Lien discharged.

Certificates of indebtedness not affected.

Credit of payments on former roll.

§ 11. Such commissioners are hereby authorized and empowered to issue, as such commissioners, certificates or evidence of indebtedness bearing interest at the rate of six per centum per annum, in payment of any lands, easements, rights of way, work, material or other expenses which shall have been or are to be incurred in or about the construction of said sewer, which certificates or evidence of indebtedness shall be receivable in payment of such assessments at their face value; with accrued interest. The common council of the city of Rochester is hereby authorized and empowered to guarantee or secure the payment of such certificates in such manner as it shall deem best, to the amount of one hundred and fifty thousand dollars, or the said common council may issue the bonds of said city at a rate of interest not to exceed four per centum, to the amount above specified, payable at such time as the said common council shall determine, and which shall be sold in the manner to be determined upon by said common council as most advantageous to the interest of said city of Rochester, and the proceeds of said bonds shall be invested in the certificates issued by said commissioners and expended in the construction of said sewer and the expenses attendant thereon, entirely within the limits of said city of Rochester. And the board of supervisors of the county of Monroe is hereby authorized and empowered to issue its bonds, or guarantee or secure in such manner as it shall deem best,

Issue of certificates of indebtedness.

Guarantee of payment by city.

Issue and sale of city bonds.

Issue and sale of county bonds.

the payments of the certificates issued by said commissioners, to the amount of seventy-five thousand dollars; or the said board of supervisors may issue and dispose of the bonds of said county in the manner as above provided for the issuing of bonds by the said city of Rochester, but the avails of said bonds shall be used in the construction of said sewer entirely in said town of Gates.

Records
and books.

§ 14. Said commissioners shall keep a record of their proceedings in a book or books to be provided for that purpose, and shall also keep an account in proper account books of all moneys collected or disbursed by them. They shall, annually, on or before the fifteenth day of January in each year, file with the Monroe county court a full and complete statement of all their financial transactions and the dispositions of all moneys received by them under and by virtue of said chapter six hundred and three of the laws of eighteen hundred and ninety-two, or of this act, which reports shall be verified by the oath of said commissioners and shall be duly examined and audited by said Monroe county court.

Annual
financial
statement.

Personal
liability of
commis-
sioners.

§ 15. Neither of the commissioners mentioned in this act shall be liable personally upon any contract made or certificate of indebtedness issued by him or them, as such commissioner or commissioners, nor for any act done by him or them under the provisions of this act unless such act shall be a willful and intentional wrong on his part.

Compensa-
tion of com-
missioners.

§ 16. The commissioners appointed by and under chapter six hundred and three of the laws of eighteen hundred and ninety-two, or by and under this act shall for each day actually and necessarily spent by them in performance of their duties as such commissioners receive the following compensation: The commissioner, who is a lawyer, appointed under said chapter six hundred and three, ten dollars, and each of the other commissioners five dollars; and in no case shall the annual compensation of any commissioner exceed for the commissioner who is a lawyer two thousand four hundred dollars, and the commissioners who are not one thousand two hundred dollars each. No commissioner shall be directly or indirectly interested in any contract with reference to the construction of said sewer, as principal, surety or otherwise, except as such commissioner.

Not to be
interested.

Records,
etc., to be
filed with
city treas-
urer.

§ 20. Upon the completion of said sewer the said commissioners shall file with the treasurer of the city of Rochester the record of their proceedings together with their books of account

and all contracts and papers relating thereto, and copies of the same certified by said treasurer under his hand and official seal shall be prima facie evidence thereof in all courts and places. They also shall turn over to said treasurer the moneys on hand, the assessment-roll and all uncollected assessments and papers connected therewith, and he shall from and after that time discharge all duties and possess all powers imposed upon or vested in the treasurer of said commission by virtue of the provisions of this act and of chapter six hundred and three of the laws of eighteen hundred and ninety-two. All the powers vested in said commissioners with reference to the issuing of warrants for the collection of assessments and the collection of the same and the sale of lands in default of payment thereof shall be vested in said treasurer. He shall give a bond in the penalty fixed by the common council of the city of Rochester, and in the form and with sureties to be approved by it, for the faithful performance of his duties herein and shall have power to employ a competent person to keep books and make the collections necessary and shall receive therefor out of said sewer funds a sum to be fixed by said common council, not to exceed fifteen hundred dollars annually for his said service and the clerk hire not, however, to extend beyond six months after the last installment of said assessment shall become due, and any collector's fees that shall be paid into said treasurer shall be credited to and placed in the general fund for the building of said sewer and the expense attending thereon; and when said assessment shall be paid and all outstanding legal obligations incurred under this act and said chapter six hundred and three of the laws of eighteen hundred and ninety-two, shall have been paid, said treasurer shall return, on demand, to each of the persons, their representatives or assigns who shall have paid said assessments in full any surplus he shall have in his hands, in proportion to the amounts each such person shall have paid on said assessment. He shall thereupon file with the county clerk of Monroe county the assessment-roll, the books of account and the records pertaining to said sewer, and sixty days after said sewer shall have been completed or the final estimate for the work performed by the contractors shall have been made and approved by said commissioners, their duties and powers shall cease.

Payment
over of
moneys,
etc., to
treasurer.

Powers and
duties of
city treasurer.

Return of
surplus of
assessment.

Filing of
records,
etc.

Duties of
commissioners
to cease.

§ 2. There shall be added to said chapter six hundred and three the following sections—twenty-four and twenty-five:

Acts of
commissioners
legalized.

§ 24. All the acts of the commissioners of sewerage appointed under chapter six hundred and three of the laws of eighteen hundred and ninety-two, except as the same are hereby vacated or modified or authorized to be vacated or modified, are hereby ratified and confirmed.

No further
action by
certain
commissioners
except, etc.

§ 25. No further action of any kind shall be taken by the commissioners, Horace G. Pierce, Frank S. Upton and George B. Swikehard, or their successors in office under chapter six hundred and three of the laws of eighteen hundred and ninety-two, except to obtain any rights of way required and to issue further certificates or evidence of indebtedness not to exceed sixty-five thousand dollars, according to the provisions of the act hereby amended or of this act, or to make such modifications of the contract for the building of said sewer by supplement or otherwise as may be necessary to comply with this act or any supplemental act, until the assessment-roll herein shall be made and filed as hereinbefore required and provided for.

§ 3. This act shall take effect immediately.

Chap. 440.

AN ACT to change the name of the N. H. Wilder Hose Company of Worcester.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora to
have
changed.

Section 1. The corporate name of the N. H. Wilder Hose Company of Worcester, New York, is hereby changed to the Worcester Hose Company of Worcester, New York, and by such name, such corporation shall possess all the powers and be subject to all the duties of the N. H. Wilder Hose Company of Worcester, New York, and shall be entitled to all the property and liable for all the indebtedness thereof.

§ 2. This act shall take effect immediately.

Chap. 441.

AN ACT to authorize the board of revision and correction of assessments in the city of New York to determine and award damages for the changing of the original grade of One Hundred and Forty-third street from Boulevard to Hudson River railroad in the city of New York.

Accepted by the city.

BECAME a law April 26, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of revision and correction of assessments in the city of New York is hereby authorized and empowered, in its discretion, to ascertain and determine the damages to the real property of Henrietta A. Mittnacht on One Hundred and Forty-third street, caused by the changing of the original grade of said One Hundred and Forty-third street between the Boulevard and Hudson River railroad, and award damages to her to the extent that her said real property may have depreciated in value in consequence of said changing of the original grade of said One Hundred and Forty-third street. The said board shall, within sixty days after the passage of this act, transmit to the comptroller of said city a certificate setting forth the amount of said awards. Determination and award of damages.

§ 2. The amount of said award shall be borne by the mayor, aldermen and commonalty of the city of New York, and shall be included in the final estimates of said city for the year eighteen hundred and ninety-six. Award included in final estimates.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repeal.

§ 4. This act shall take effect immediately.

Chap. 442.

AN ACT empowering the comptroller of the city of New York to refund the assessment laid upon property south of One Hundred and Twenty-ninth street, for opening Twelfth avenue between Fifty-ninth and One Hundred and Fifty-third streets; said Twelfth avenue south of said One Hundred and Twenty-ninth street having been closed.

Accepted by the city.

BECAME a law April 26, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Refunding
of assess-
ments.

Section 1. The comptroller of the city of New York is hereby authorized and empowered to refund, ninety days after demand, to the persons respectively, their executors, administrators or assigns, the amount paid by such persons as an assessment upon real estate situated south of One Hundred and Twenty-ninth street in the city of New York, for the opening of Twelfth avenue, from Fifty-ninth to One Hundred and Fifty-third street, confirmed July second, eighteen hundred and sixty-nine.

Repay-
ments
from fund.

§ 2. Said repayments shall be made out of the fund known as the fund for street and park openings heretofore established by law.

§ 3. This act shall take effect immediately.

Chap. 443.

AN ACT to authorize the commissioner of city works of the city of Brooklyn to cancel and compromise a certain contract.

Accepted by the city.

BECAME a law April 27, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Cancellation
of
contract.

Section 1. The commissioner of city works of the city of Brooklyn is hereby authorized in his discretion to cancel and compro-

mise a certain contract heretofore entered into between the city of Brooklyn and James F. Gillen for grading Forty-third street from Fifth avenue to the city line in said city. Upon the certification by the said commissioner to the comptroller of the city of Brooklyn of any amount agreed upon between said commissioner and said contractor, as a compensation to the contractor by reason of the cancellation of said contract, the said comptroller shall pay to the said contractor or his assigns the sum so agreed upon, and the money required for that purpose shall be taken from the fund known as the "park purchase fund." Payment to contractor.

§ 2. This act shall take effect immediately.

Chap. 444.

AN ACT to amend chapter one hundred and seventy-seven of the laws of eighteen hundred and ninety-one, entitled "An act to widen, extend, lay out and open and to improve certain streets in the city of Brooklyn and the village of Flatbush," and also to amend chapter seven hundred and fifty-eight of the laws of eighteen hundred and ninety-four.

Accepted by the city.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter one hundred and seventy-seven of the laws of eighteen hundred and ninety-one, entitled "An act to widen, extend, lay out and open and to improve certain streets in the city of Brooklyn and the village of Flatbush," is hereby amended so as to read as follows: Act amended.

§ 2. The department of parks of the county of Kings, organized under and in pursuance of the provisions of chapter seven hundred and fifty-eight of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the selection, laying out, construction and maintenance of a public driveway and parkway, and for the acquisition of riparian rights in connection therewith in any county of this State which contains a city, the population of which city is in excess of eight hundred thousand, and the boundaries of which city are not coterminous with those of said county, and also providing the means of payment there- Extension and improvement of streets authorized.

for, and maintenance therefor, and creating a department of parks for said county," is hereby authorized to lay out, open and improve as a public street the Eastern parkway, to commence at about the present terminus of said parkway in the city of Brooklyn, and to terminate at or near the present city reservoir property at Ridgewood Heights in said county, on such course between these two points as the officer at the head of said department of parks shall in his discretion determine, and to open and improve as a public street Buffalo avenue, as widened by section one of this act.

§ 2. Section three of said act is hereby amended so as to read as follows:

§ 3. Said department of parks of the county of Kings is hereby authorized to grade, pave and otherwise improve the said Buffalo avenue to East New York avenue and Eastern Parkway, or either of them, or part or section of either of them, and for that purpose the officer at the head of said department is authorized to make contracts for such grading, paving and improvement.

§ 3. Section four of said act is hereby amended so as to read as follows:

§ 4. Whenever the officer at the head of said department shall determine to act under the powers conferred upon said department by this act, he shall cause a map or maps to be made showing the proposed extension and improvement of the eastern parkway and of the widening and improvement of Buffalo avenue, and shall file said map or maps, duly certified by him, in the office of the register of the county of Kings, and of the county clerk, and shall also transmit a copy of said map or maps to the department of city works of the city of Brooklyn, and thereupon said streets shall be deemed to be extended, widened and laid out in conformity with said maps.

§ 4. Section five of said act is hereby amended so as to read as follows:

§ 5. The said department of parks shall have power to acquire title in fee of the land within the lines of the streets or avenues laid out as provided in the preceding sections in the manner and by the special proceedings prescribed in this act, and the officer at the head of said department is hereby authorized to

to employ a competent person to act as counsel in conducting any legal proceedings required to be taken under this act and to fix

Grading,
paving,
etc., of
avenue and
parkway.

Contracts
therefor.

Maps to be
made and
filed.

Acquisition
of lands.

Counsel
conduct
proceed-
ings.

his compensation, and the title to such land when acquired shall vest in the county of Kings.

§ 5. Section six of said act is hereby amended so as to read as follows:

§ 6. For the purpose of acquiring title to such land the head of said department of parks may make application in the name of the county of Kings to the supreme court in the second department, at a special term of said court, for the appointment of commissioners of appraisal. Before making such application a general notice directed to the owner or owners of the land within the lines of the street or avenue laid out as provided by this act, and of such part or section of the same as is sought to be condemned, and to all other persons interested therein or affected by the improvement authorized to be made by this act, shall be published in three daily newspapers published in said county for ten days, of the time and place when and where the said application will be made. On presenting to the supreme court, as aforesaid, proof by affidavit of the publication of said notice or notices, the court shall, if no sufficient cause be shown against granting the application, make an order for the appointment of three disinterested and competent persons, residents of and freeholders in said county as commissioners to ascertain and appraise the compensation to be made the owners of or persons interested in the real estate within the lines of the street or avenue laid out, as provided by this act, or of such portions or sections of the same as may be sought to be condemned under the provisions of this section, and shall fix the time and place for the first meeting of such commissioners. The said court may also appoint another or others to act in the place of any one or more of such commissioners who may die, decline to serve, remove from the county, be or become interested in the improvement, or from any cause, may be or become disabled or incompetent to serve. The said commissioners of appraisal shall be sworn before a justice of the supreme court faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and are hereby authorized to cause such maps to be made as may be necessary in the performance of their duties and to employ competent persons therefor. On such maps shall be designated by feet and inches, as near as may be, the street or avenue laid out as provided by

Application for commissioners of appraisal.

Notice to owners.

Appointment of commissioners.

Vacancies.

Oath of commissioners.

May cause maps to be made.

this act, or such portion or section thereof as such commissioners are appointed to appraise, and by numbers the several pieces of land and buildings necessary to be taken for the improvement, and the map or maps so prepared when delivered shall form a part of the report of the said commissioners.

§ 6. Section seven of said act is hereby amended so as to read as follows:

Powers and
duties of
commissioners.

§ 7. The said commissioners of appraisal shall proceed with all reasonable diligence in the performance of their duties, and for that purpose they shall have power to enter upon any premises affected by the said improvement, to hear the allegations and proofs of the parties interested at such times and places as they may appoint, and to continue such hearing by adjournment from time to time as they may deem proper. Any one of their number may administer oaths to the witnesses who may appear before them, and they shall make a report to the supreme court, signed by them or a majority of them, of the proceedings before them, with the minutes of the testimony taken before them, if any. Said report shall be made in a tabular form, in columns, in which shall be given the number on the map of the pieces of land required for the improvement, the names of the persons interested in the property taken for the improvement and the nature of their interest, and the amount awarded to the different parties, and so many and such other different columns and tabular statements as may be necessary to state the true interests of the parties in the premises.

Report to
court.

There shall be added to said act a section to be known as section eight.

Notice of
completion
of report
and hear-
ing.

§ 8. After the said report shall be completed it shall be filed by the said commissioners in the office of the clerk of the county of Kings. They shall then cause a notice to be published in three daily newspapers published in said county that the same has been completed and filed, and that they will meet at a time and place therein to be specified not less than ten days from the first publication of such notice to review their report. During that time the said report may be examined free of expense by all persons interested. At the time and place specified in said notice any person may offer objections in writing to the said report and accompany the same with such affidavits as he may think proper. The said commissioners shall thereupon, or as

Objection.

soon thereafter as conveniently may be, review the said report and correct the same where they shall deem it proper, and shall again file the same in the office of the clerk of the county of Kings. The head of said department of parks shall then cause a notice to be published in the corporation newspapers that the said report has been completed and filed and that application will be made in behalf of the city of Brooklyn to the supreme court at a special term thereof, at a time to be specified in such notice, not less than ten days from the first publication thereof, to have the said report confirmed. During the said ten days the said report shall remain open to the inspection free of expense of all persons interested, and any such person may, within that time, appeal from said report. Such appeal shall be by notice, to be served on the corporation counsel within the period last mentioned, and at least six days before the time at which the said report is to be presented for confirmation. The notice of appeal shall be accompanied with copies of the affidavits which shall have been delivered to the commissioners, if it shall be intended to use or refer to the same on such appeal, and also with a brief statement in writing of the grounds of objection to the said report, and of the manner in which it is contended that the same ought to be altered.

Review and
correction
of report.

Appeal
from re-
port.

Notice of
appeal.

There shall be added to said act a section to be known as section nine.

§ 9. Such appeal shall be heard by the court to which the said report shall be presented for confirmation at the time the same shall be so presented. The affidavits, copies of which shall have been delivered and served as aforesaid, and no others, may be read against confirming the said report, and affidavits may also be read to sustain the same. No cause against confirmation shall be heard unless an appeal shall have been taken in the manner provided by the preceding section of this act. If no sufficient reason to the contrary shall appear to the court it shall confirm the report. If, in the opinion of the court, the report ought not to be confirmed, it may refuse to confirm it. In the event of such a refusal the court shall in a proper case refer the report back for revision and correction to the same or other commissioners, who shall proceed to revise and correct the same, and cause it or a new report to be filed in the office of the clerk of said county. The corporation counsel shall thereupon cause a

Hearing of
appeal and
confirmation
of report.

Refusal to
confirm
and pro-
ceeding
thereupon.

new notice to be published in the manner required by the preceding section of this act, of the filing of such report and of his intention to apply for the confirmation thereof. The said report may be appealed from within the time and in the manner provided in said section. Such appeal shall be proceeded upon and the said report again disposed of in the manner prescribed in this section upon the first reference back to the said commissioners. In cases where the court can direct specific alterations to be made in the report, it shall, upon good cause therefor shown, direct such alterations to be made in its presence, and it may thereupon absolutely confirm the report without further notice.

Alterations
in report
by court.

There shall be added to said act a section to be known as section ten.

Compensation
of commis-
sioners.

§ 10. The commissioners to be appointed as aforesaid shall be allowed six dollars each for each and every day actually and necessarily employed about their duties.

There shall be added to said act a section, to be known as section eleven.

Report and
map to be
filed.

§ 11. Upon the final confirmation of the report of the said commissioners, it shall, together with the map, be delivered to the said department of parks, and it shall be filed in said department and remain as a record therein, and upon the filing of said map and report and the issue of the bonds authorized by this act, the title to the land in said avenue or street, or such parts thereof as shall have been condemned, in accordance with the proceedings hereinbefore set forth, shall vest in fee simple in the county of Kings.

Title to
land vested
in city.

There shall be added to said act a section, to be known as section twelve.

Issue of
bonds.

§ 12. In order to provide the means to pay for the land taken for said improvement and all expenses incurred for grading, paving and otherwise improving the same, the county treasurer of said county is hereby authorized and directed to issue, from time to time, as may be required by said commissioner of parks for the purposes aforesaid, bonds of said county bearing interest at a rate not to exceed four per centum per annum, and issued in such series and for such periods as said county treasurer and the supervisor-at-large of said county may determine, and there shall be inserted in the tax budget of said county, each year, a sufficient amount to pay interest on said bonds as the same

Annual tax
for interest
and principal.

shall become due and payable, and a sum sufficient to pay the principal thereof as the same may become due and payable. The proceeds from the sale of said bonds shall be paid into the treasury of said county, and shall be paid out, from time to time, ^{Proceeds of sale,} for the purposes herein provided, upon vouchers certified by the officer at the head of said department of parks.

There shall be added to said act a section, to be known as section thirteen.

§ 13. This act shall take effect immediately.

Chap. 445.

AN ACT to amend chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston."

Accepted by the city.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixty of chapter one hundred and fifty of the laws of eighteen hundred and seventy-two, entitled "An act to incorporate the city of Kingston," is hereby amended by adding at the end of and immediately following subdivision nine of said section the following subdivision, namely:

10. The said commissioners of the almshouse shall also have power to expend and pay over each year to the Kingston city hospital the sum of twenty-five hundred dollars, or so much thereof as may be necessary for the medical and surgical treatment of the poor of said city in said hospital. ^{Payment to city hospital.}

§ 2. Section sixty-nine of said act is hereby amended to read as follows:

§ 69. The common council shall in each year, on or before the first day of November, make a careful estimate of the cost and expense of relieving the city poor, which estimate shall not exceed thirteen thousand dollars; also of the expense of the general repairs of streets and the lighting of the same, of the expenses of the fire department, and of the city expense for all other purposes, which several estimates, including that for the city poor, shall not exceed the sum of seventy-five thousand dollars. The com- ^{Annual estimate of expense.}

Tax levy. mon council shall, for said several purposes, have power to raise by tax in each year, from the taxable inhabitants of said city, and the property therein liable to taxation, such sums of money as they may deem proper, but not exceeding the sum of seventy-five thousand dollars, exclusive of the amounts added thereto under sections ninety-four, ninety-eight, ninety-nine and one hundred and eighteen of this act, and exclusive of the amount necessary to pay the principal and interest of the bonded and other indebtedness of the city as it falls due.

§ 3. Section one hundred and eighteen of said act is hereby amended to read as follows:

Board of police commissioners, appointment and term of.

§ 118. The mayor of said city is authorized to appoint four citizens, two of whom shall be members of the political party that cast the largest number of votes at the last general election, and two of whom shall belong to the political party that cast the next largest number of votes at said election, who together with the mayor shall constitute the board of police commissioners of said city, and who shall serve without pay. The mayor shall be the president thereof. One of said commissioners shall serve for one year, one for two years, one for three years and one for four years, and thereafter the said mayor shall have the like authority and it shall be his duty to appoint a like citizen for a term of four years, upon the expiration of the term of any commissioner hereinafter appointed. Whenever any vacancy shall

Vacancies.

Power of commissioners.

occur in said board by death, resignation, removal or otherwise, the mayor shall have power to fill the vacancy. The said police commissioners shall have power to prescribe rules and regulations for the police department, and appoint a chief of police and fix his salary, which shall not exceed one hundred dollars per month, and define his duties. The constables provided by law shall, in

Constables to act as policemen.

addition to their duties, act as policemen under the direction of the said police commissioners, and shall receive a salary for police service not to exceed forty dollars per month. The board thus constituted may, also, when deemed necessary by them, appoint extra policemen not exceeding six in number, three of whom shall be of the same political party as two of said commissioners and three of whom shall be of the same political party as the remaining commissioners, and neither the provisions of chapter three hundred and fifty-four, laws of eighteen hundred and eighty-three, nor any amendment thereof shall apply. Said

Appointment of extra policemen.

extra policemen shall receive a salary not exceeding sixty dollars per month. The board shall also, in their discretion, at the request of any society holding public exhibitions in said city, or the proprietor or manager of any public exhibition in said city, or of the president of any railroad corporation in said city, appoint such number of special policemen as they may deem necessary, but the compensation of special policemen in all cases shall be paid by the society, corporation or manager of the exhibition for which the services are performed. All special policemen so appointed shall be under the control of the police board. The chief of police, or any officer under his direction, is empowered to enter any house or building which he has cause to suspect to be a gambling house, or to be inhabited by persons of ill-fame, or to which persons of dissolute, idle or disorderly character resort, and disperse the same, or arrest such persons and hold them until they can be dealt with before some proper magistrate according to law. The chief of police, any policeman, or any constable acting as policeman, may be suspended with forfeiture of pay, for a period not exceeding thirty days, reprimanded or relieved entirely without pay, by said police board, for the commission of any criminal offense, neglect of duty, violation of rules and regulations, disobedience of orders, absence without leave, corrupt or improper conduct, or conduct unbecoming an officer, breach of discipline, or incapacity, after an opportunity to be heard before said board upon a notice of six days, accompanied with a copy of the charges preferred. The said board shall report to the common council, on or before the first day of November in each year, the amount necessary to pay the compensation and expenses of the police for the current year, which amount the common council shall include in the annual tax. The common council shall allow and pay in the same manner as the other employes of the city are paid, the pay-rolls of the police department, when certified by the board of police to be correct. The commissioners, chief of police, and policemen, before they enter upon the duties of their respective offices, shall take and subscribe, before the city clerk, the oath required by the constitution. A majority of said board shall constitute a quorum for the transaction of business. The mayor of said city is hereby also authorized to remove from office any commissioner of said

Special policemen.

Entry of houses by police.

Suspension and removal.

Annual estimate to council.

Pay-roll.

Oath of office.

Quorum.

Removal.

department after hearing such commissioner. The said police commissioners shall exercise the powers and perform the duties connected with and incident to the police government and discipline of said city, as hereinafter more specially provided. The common council of the city of Kingston shall provide suitable rooms in the city hall or elsewhere for the meetings of the commissioners. Such meetings shall be held at such times and places as shall be appointed by the president of the board or a majority of the members thereof, and the attendance of three commissioners shall at all times be necessary to constitute a quorum.

Powers and duties of commissioners. The chief of police shall be ex officio the clerk of said board, but shall receive no extra compensation therefor. The clerk of the board shall keep a record, in due form, of all the proceedings of the board, and perform such duties incident to the office, as the board may require. The board thus constituted shall appoint the policemen, and regulate and control the police force of said city. The said board may appoint, from time to time, such additional number of policemen as they shall deem necessary, provided they be authorized so to do by a vote of the majority of all the members of the common council, under the same conditions as hereinbefore stated. The board may also, if deemed necessary, select out of the number of policemen appointed by them, not to exceed two policemen, who shall constitute a detective force, and who shall receive in addition to their regular pay, as hereinbefore provided, a sum to be fixed by said board, not exceeding fifteen dollars each month. The said detective force shall be under the direction of the chief of police. No policemen or officer of the police force, except special policemen, shall receive any present or reward for services rendered or to be rendered, unless with the approval of the police board, such approval to be given in writing and filed with the clerk; and any one of their number who shall receive any fee or reward in violation of this section, shall forfeit his office. The contingent expenses of the police department, office, furniture, fuel, lights, stationery, printing, advertising, books, policemen's badges and batons shall be audited by the common council upon the certificate of said commissioners, and paid by the treasurer upon the warrant of said common council. The police appointed under this act shall be a uniformed police.

Meetings.

Clerk of board.

Additional policemen.

Detective force.

Fees or rewards for services.

Contingent expense of department.

Uniforms.

§ 4. This act shall take effect immediately.

Chap. 446.

AN ACT to amend section one of title three of chapter eight hundred and nineteen of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of New Brighton," as amended by chapter seven hundred and ninety-one of the laws of eighteen hundred and seventy-one, and chapter three hundred and ninety-four of the laws of eighteen hundred and seventy-five, and chapter five hundred and twenty-four of the laws of eighteen hundred and eighty-eight.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of title three of chapter eight hundred and nineteen of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of New Brighton," as amended by chapter seven hundred and ninety-one of the laws of eighteen hundred and seventy-one, and chapter three hundred and ninety-four of the laws of eighteen hundred and seventy-five, and chapter five hundred and twenty-four of the laws of eighteen hundred and eighty-eight, is hereby further amended so as to read as follows:

§ 6. The board of trustees shall have power to expend in aid of the fire and patrol companies of said village, toward the purchase or repair of houses, engines or other apparatus, such sum or sums as in their discretion they may deem proper, not exceeding in all, in any one year, the sum of six thousand dollars, such sum or sums so appropriated to be expended under the supervision and direction of the board of trustees.

§ 2. This act shall take effect immediately.

Charter amended.

Annual expenditure for fire department.

Chap. 449.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," relating to opening streets, avenues and public places.

Accepted by the city.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation act amended.

Section 1. Section nine hundred and fifty-six of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is hereby amended so as to read as follows:

Powers and duties of board of street opening.

§ 950. The said board shall have power to appoint a surveyor or engineer and also a clerk who shall have custody of the records and papers of said board and shall give notice of all meetings. They may also require any department or officer to furnish to them such surveys, diagrams or other information as may enable them to fully discharge the duties imposed upon them by this act. Should the said board at any time, by a three-fourths vote of all the members thereof, deem it for the public interest that the title to the lands and premises required for any street, avenue, road, public park, square or place, north of Fifty-ninth street, heretofore or hereafter laid out, widened, altered, extended or otherwise improved, should be acquired by the mayor, aldermen and commonalty of the city of New York at a fixed or specified time, the said board may direct, where no buildings are upon such lands, that upon the date of the filing of the oath of the commissioners of estimate and assessment as provided for in this chapter, and where there are buildings upon such lands, that upon a day not less than six months from the date of the filing of said oath, the title to any piece or parcel of land lying within the lines of any such street, avenue, road, public square, park or place shall be vested in the mayor, aldermen and commonalty of the city of

Acquisition of lands.

Resolution therefor.

New York, and thereafter when the said commissioners shall have taken and filed said oath, the mayor, aldermen and commonalty of the city of New York shall, upon the date of such filing where no buildings are upon such lands and where there are buildings upon such lands, upon the date specified by said board as aforesaid, become and be seized in fee of the said lands, tenements and hereditaments in the said resolution mentioned that shall or may be so required for the purpose of opening, widening, altering, extending or otherwise improving the said street, avenue, road, public square, park or place, or part of or section of a street, avenue, public park, square or place, as the case may be, the same to be appropriated, converted and used to and for such purpose accordingly, and thereupon the said mayor, aldermen and commonalty of the city of New York, or any person or persons acting under their authority or under the direction of the commissioner of public works, may immediately or at any time or times thereafter take possession of the same, or any part or parts thereof, without any suit or proceeding at law for the purpose; in trust, nevertheless, that the same be appropriated and kept open for and as part of a public street, avenue, square, park or place forever in like manner as the other public streets, avenues, squares and places in the said city are and of right ought to be.

City, when seized in fee of lands.

Possession of lands by city.

§ 2. Section nine hundred and eighty-three of said act is hereby amended so as to read as follows:

§ 983. It shall be the duty of the counsel to the corporation to furnish to the commissioners of estimate and assessment who may be appointed in any proceeding to open, widen, alter or close any street, avenue, road, public square or place in said city such necessary clerks and other employes, and to provide such suitable offices as they may require to enable them to fully and satisfactorily discharge the duties imposed upon them by this chapter; the counsel to the corporation shall, either in person or by such assistant or counsel as he shall designate for the purpose, appear for and protect the interests of the city in all proceedings in court and before the commissioners. Such necessary expenses and disbursements which the mayor, aldermen and commonalty of the city of New York shall incur under the provisions of this section shall be paid by the comptroller out of the fund for street and park open-

Clerks, employes and offices for commissioners.

Duty of corporation counsel.

Expenses and disbursements of city.

Reimbursements to city of same.

ings provided for by existing laws, and shall be borne and reimbursed and paid to the mayor, aldermen and commonalty of the city of New York by the parties and persons interested and entitled, as owners or otherwise, unto and in the lands, tenements, hereditaments and premises deemed to be benefited thereby, and the same shall be included in and taxed by the court upon due proof of the services rendered, and disbursements charged as part of the necessary costs and expenses of the said proceedings, but such expenses and disbursements shall not be paid until they have been taxed before a justice of the supreme court in the first judicial district upon five days notice to the counsel to the corporation.

§ 3. Section nine hundred and ninety-two of said act is hereby amended so as to read as follows:

Payment of awards.

§ 992. The said mayor, aldermen and commonalty shall within four calendar months after the confirmation of the report of the commissioners in the premises by the court, or within four months after the expiration of the time or times which they may appoint in accordance with law for carrying improvements into effect, pay to the respective persons and bodies politic or corporate, mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said commissioners the respective sum or sums so estimated and reported in their favor, respectively. All damages awarded by the commissioners of estimate and assessments with interest thereon from the date when title to the lands shall have vested in the mayor, aldermen and commonalty of the city of New York, as provided in this chapter, and all costs or expenses which may be taxed, shall be paid by the mayor, aldermen and commonalty of the city of New York to the respective persons and bodies politic or corporate mentioned or referred to in said report, or in whose favor such costs or expenses shall be taxed. Said damages, costs and expenses shall be paid from the fund for street and park opening provided for by existing laws. The person or persons to whom awards shall be made in such proceedings and the person or persons in whose favor costs and expenses may be taxed shall not have an action at law against the city of New York for such awards, costs or expenses, but the court in which said proceedings have been had upon the application of any such per-

Comptroller may be required to pay awards, etc.

son or persons, in case of the failure of the comptroller of said city to pay the same within thirty days after demand therefor shall require and direct the comptroller to pay said awards, costs and expenses from the said fund, and enforce said order or mandate in the same manner as other orders and mandates of said court are enforced. Provided, however, that whenever the amount of damages awarded in any report, together with the costs of the commissioners, shall exceed the balance remaining in said fund after deducting all outstanding claims against said balance, the comptroller shall and he is hereby authorized to raise, by the issue and sale of revenue bonds, such amounts as shall be necessary to pay such damages, costs and expenses, and the said court may, upon the application of any person or persons in whose favor or to whom awards shall be made in such proceeding, and the person or persons in whose favor costs and expenses may be taxed, may require or direct the comptroller to raise the money necessary to enable him to pay such awards, costs and expenses, and from such fund to pay the same, except that when any sum or sums shall in said report be made to unknown owners, the supreme court shall upon the application of the said mayor, aldermen and commonalty of the city of New York, or of any person entitled to or claiming to be interested in the lands, tenements or hereditaments for which said awards have been made, or any part thereof, either direct the same to be retained by the comptroller or to be paid into the supreme court until the title thereto or of the respective estates and interests of all parties therein shall be determined by said court, and upon such application the said court may take the proof and testimony of the claimant or claimants or parties interested in the lands for which said awards have been made, or refer the matter to a referee for such purpose.

Issue and sale of revenue bonds.

Comptroller may be required to raise money.

Awards to unknown owners, etc.

§ 4. Section one thousand of said act is hereby amended so as to read as follows:

§ 1000. Except as hereinbefore otherwise provided, no costs or charges to the said commissioners or others shall be paid or allowed for any service performed under this title, unless the same shall be taxed by the said court after notice given as provided in section one thousand and one of this act. Upon such taxation, due proof of the nature and extent of the services rendered and disbursements charged shall be furnished, and no un-

Costs and charges, payment of.

Fees and
compensation
of commis-
sioners.

necessary cost or charges shall be allowed. Each of the commissioners of estimate and assessment shall receive the like fees or compensation as by law or the rules of the court are allowed to a referee in other actions or proceedings in such court for each day upon which the said commissioners shall meet and be actually and necessarily employed in the performance of the duties imposed upon them by this act. All such costs, fees and expenses or disbursements, which by law are required to be taxed as in this chapter provided, shall be stated in detail in the bill of costs and charges and expenses, and shall be accompanied by such proof of the reasonableness and necessity thereof as is now required by law and the practice of the said court upon taxation of costs and disbursements in other special proceedings or actions in said court; provided, however, that in any proceeding of an unusually difficult or extraordinary character, the said court may, upon taxing said costs or expenses, make such additional allowances to the said commissioners as may to it appear just and equitable, upon such proof as may be submitted of the nature and extent of the services rendered by said commissioners.

Detailed
bill of
costs.

Additional
allow-
ances.

§ 5. Section one thousand and one of said act is hereby amended so as to read as follows:

Filing of
bill of
costs.

§ 1001. A bill of said costs, charges and expenses shall be filed in the office of the county clerk at least ten days before the same shall be presented for taxation. There shall be annexed a statement of the amounts, if any, previously taxed, to whom the same were payable, and the date of such taxation. A notice of at least ten days shall be published in the City Record, or when authorized pursuant to section sixty-six of this act, in two of the daily newspapers published in said city, of the time and place of taxing said costs, charges and expenses, which shall be thereupon taxed by a judge of the supreme court, or a referee under his special order, and before the report of said commissioners shall be presented for confirmation. On said final taxation there may be a retaxation of any bill previously taxed in the same proceeding if sufficient reason therefor be made to appear.

Notice of
taxation.

Taxation
by court.

§ 6. This act shall take effect immediately,

Chap. 450.

AN ACT to further amend chapter two hundred and eight of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the fire department of the town of Newtown, Queens county, New York."

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and eight of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the fire department of the town of Newtown, Queens county, New York," is hereby amended so as to read as follows: Charter amended.

§ 2. There shall be a board of trustees who shall have the management and control of the affairs and property of said corporation, and which board shall consist of the board of trustees of each fire company now incorporated in said town and their successors, and of any fire company therein to be incorporated and their successors; provided, however, that each of said fire companies shall not have a representation in the board of trustees of this corporation of more than three trustees. If any of such fire companies shall not have a board of trustees, it shall elect three of its members to represent the company in the board of trustees of this corporation, and may from time to time in like manner fill any vacancy which may occur in their number. Board of trustees.
Election of trustees.
Vacancies.

§ 2. Section fifteen of said act is hereby amended so as to read as follows:

§ 15. The said board of trustees shall make and render a statement to the board of supervisors of the said county at its next annual meeting hereafter, of the amount necessary to pay the expenses of and maintain the said department for the fiscal year commencing on the day of the annual town meeting in the year eighteen hundred and eighty-nine, and they shall also annually thereafter make to the board of supervisors a statement of such amount, not exceeding in the aggregate for all purposes the sum of five thousand dollars, as they Annual statement to board of supervisors.

Annual tax
for support
of depart-
ment.

Trustees to
account
with town
auditors.

shall consider to be necessary for the fiscal year, commencing on the day of the annual town meeting then next ensuing, and the said board of supervisors shall cause the amount named in such statement to be levied in the annual taxes thereafter levied or assessed on the real and personal estate taxable in said town, and to be collected therewith, and shall direct the amount so levied to be paid upon the order of said board of trustees to the treasurer of this corporation for the use thereof, to be applied by the said board of trustees in the payment of the expenses and maintenance of the said department; provided, however, that not more than five hundred dollars thereof shall be applied in each fiscal year for the benefit of any fire company of the said department. It shall be the duty of said trustees to render to and file with the board of town auditors of said town at each annual meeting held by them for auditing the accounts of town officers, an account under oath of the manner in which they have expended the amount so received by them, together with the vouchers for all sums paid out by them.

§ 3. This act shall take effect immediately.

Chap. 455.

AN ACT to incorporate the Andrews Methodist Episcopal church.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corpora-
tors.

Section 1. The religious society or ecclesiastical body now existing in the city of Brooklyn as the Andrews Methodist Episcopal church, and heretofore known as the trustees of the Methodist Episcopal church of Union Place, the trustees of the Wesleyan Methodist Episcopal church, the trustees of the Union Place Methodist Episcopal church, the trustees of the Andrews Methodist Episcopal church of Cypress Hills, town of New Lots, New York, and the Andrews Methodist Episcopal church of Cypress Hills, shall be and is hereby constituted and

declared to be a body corporate by the name of the Andrews ^{Corporate name.} Methodist Episcopal church.

§ 2. That the corporation heretofore known as "The Trustees <sup>Merge of corpora-
tions.</sup> of the Andrews Methodist Episcopal church of Cypress Hills, town of New Lots, New York," and the corporation heretofore known as the "Andrews Methodist Episcopal church" shall be and hereby are merged into the corporation hereby created.

§ 3. The corporation hereby created shall possess the general ^{General powers.} powers given by, and shall be subject to the provisions contained in chapter sixty of the laws of eighteen hundred and thirteen, and the acts amendatory thereof so far as the same are applicable.

§ 4. All acts performed as corporate acts by the said religious <sup>Acts legal-
ized.</sup> society, or by the persons chosen and acting as its trustees since the first day of May, eighteen hundred and fifty-one, and which would have been lawful and valid as such, if the said religious society had been duly incorporated at the time when such acts were performed, are hereby ratified and confirmed, and declared to have the same validity and effect in all respects that they would have had if the said religious society had been duly incorporated at the time when those acts were performed.

§ 5. Nothing in this act shall affect any suit or proceeding ^{Provision} now pending.

§ 6. This act shall take effect immediately.

Chap. 457.

AN ACT to amend chapter six hundred and sixty-three of the laws of eighteen hundred and ninety-three, entitled "An act to incorporate 'The Beet Sugar Co-operative Community.'"

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred sixty-three ^{Act amended.} of the laws of eighteen hundred ninety-three, entitled "An act to incorporate the 'The Beet Sugar Co-operative Community,'" is hereby amended so as to read as follows:

§ 1. The one hundred persons whose names are written in <sup>Corpora-
tors.</sup> section thirty-five hereof, their associates and successors and all

Name.

persons who shall become stockholders pursuant to this act and their successors, shall be and they are incorporated and created a body corporate by the name of "The Beet Sugar Co-operative Company."

§ 2. Section three of said act is hereby amended, so as to read as follows:

Capital stock.

§ 3. Its capital stock shall be six hundred and fifty thousand dollars, to be divided into sixty-five thousand shares of ten dollars each. Said stock shall be divided into two classes, viz., common and preferred, of which thirty-two thousand five hundred shares shall be common stock, and thirty-two thousand five hundred shares shall be preferred stock, which latter stock shall be entitled to a dividend of six per cent. per annum, or sixty cents per share, payable January first of each year, out of the net earnings of said corporation, which shall be the first lien upon said earnings, before the holders of the common stock shall be entitled to draw any dividends therefrom.

§ 3. Section eight of said act is hereby amended so as to read as follows:

Subscriptions to capital.

§ 8. The secretary hereinafter described shall open subscription books in such manner and places as he shall determine best, and solicit and receive subscriptions to the capital stock;

Organization of corporation.

and when all the preferred stock shall be sold, he shall call a meeting of the stockholders, each of whom shall be entitled to timely notice thereof, when they shall proceed to perfect the business organization of the corporation proper, hereinafter distinguished as the "company," as provided by the general stock and business corporation laws, so far as applicable, by adopting and from time to time thereafter amending such consistent by-laws as they may deem advisable and electing the primary directors and performing all other necessary acts. The said secretary shall be paid a reasonable sum for any services heretofore or hereafter rendered by him to the advantage of the corporation. This corporation shall have five years from the date of the passage of this amending act in which to organize and commence the transaction of its business, or undertake the discharge of its corporate duties. No moneys need be paid upon subscriptions until the duly elected directors may call in installments upon the same from time to time as they may desire capital. The said preferred stock must be all sold and

Payment of subscriptions.

paid up within five years from the date of this amending act, and not necessarily sooner, in whole or part, but this corporation shall have its lifetime in which to sell or dispose of the said common stock. Any or all State taxes due from corporations, upon their organization, need not be paid until the said business organization be perfected. ^{Payment of State taxes.}

§ 4. Section twelve of said act is hereby amended, so as to read as follows:

§ 12. The company shall retain, until the "annex" shall own ^{Retention of wages.} the entire capital stock, ten percentum of all wages, earned by employes other than officers, overseers and superintendents, unless members of the "annex," which it shall apply to the payment of the loan hereinafter mentioned, and then to the purchase of company stock for, in the name of, and to be held by the "annex;" and shall in like manner retain and invest the earnings of all said stock. The "annex" may bargain for the purchase of such stock, as fast as the money therefor accumulates; and it may enforce by legal process the sale, at any time, of such common stock, until it shall own all thereof, and then of preferred stock from any stockholder, and likewise to its members from any such holders not members, at sixty per centum above par value. ^{Purchase and sale of stock by annex.}

§ 5. Section thirty-two of said act is hereby amended so as to read as follows:

§ 32. The "annex" shall care for a sick member until his recovery but the expenses thereof shall be deducted out of any distribution share of wages and profits to which he may thereafter become entitled. An expelled or retiring member, when he shall have arrived at the age of sixty years, or become permanently disabled for manual labor by disease or otherwise, as also the next of kin of a deceased member or ex-member shall be entitled to have the stock and increase bought with his wages transferred to him or them. ^{Care of sick members.} ^{Transfer of stock bought with wages.}

§ 6. This act shall take effect immediately.

Chap. 458.

AN ACT to amend chapter fifty-nine of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the better administration of justice in the town of Halfmoon, in the county of Saratoga."

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section four of chapter fifty-nine of the laws of eighteen hundred and ninety-four, entitled "An act to provide for the better administration of justice in the town of Halfmoon, in the county of Saratoga," is hereby amended so as to read as follows:

Powers and jurisdiction in criminal matters.

§ 4. Such police justice shall have and exercise the same powers, authority and jurisdiction in all criminal matters, actions and proceedings, including special proceedings of a criminal nature, as justices of the peace of said town now have, or which may hereafter be conferred, on such justices of the peace, and be subject to the same duties and liabilities in respect thereto as such justices of the peace. The court held by such police justice shall be designated "the police court of the town of Halfmoon." Such court shall have and exercise the same powers, authority and jurisdiction as courts of special sessions now have, or which may hereafter be conferred on said courts. The police justice shall not be entitled to receive any fees or costs for services rendered by him; but, in lieu thereof, he shall receive an annual salary of five hundred dollars, which shall be audited, levied and paid by said town in the same manner as other town charges. Such salary shall include all charges and expenses for providing, maintaining, heating, lighting and furnishing the office of the police justice, and for all books, blanks and stationery. Said police justice shall have all the powers and authority of justices of the peace, or commissioners of deeds, or notaries public, to take and certify affidavits, and acknowledgments, and proof of deeds and other instruments, and be entitled to the same compensation therefor as is paid to such officers therefor; provided, that in no event

Annual salary.

Administering oaths, &c.

shall such compensation be a charge against said town; nor shall said police justice make any charge for administering oaths or taking acknowledgments in connection with any criminal process or proceeding.

§ 2. Section twelve of said act is hereby amended so as to read as follows:

§ 12. The supervisor, town clerk and justices of the peace of said town, within ten days after the annual election of town officers therein in each year, by warrant signed by a majority of such officers, shall designate two of the duly qualified constables of said town residing in the village of Mechanicville, police court constables, who shall serve as such until the next annual designation of such officers, unless sooner removed as hereinafter provided. It shall be the special duty of all police court constables, in addition to the duties enjoined upon them as constables of said town by the criminal laws of this State, to execute all warrants, subpoenas, venires, orders, commitments and other papers and process issued by the police justice of said town; and for a violation of any such duty such designation may be revoked in writing, assigning, the cause thereof, by a majority of the officers herein authorized to make the same; provided, that the accused shall have due notice of the charges against him and an opportunity of being heard in his defense. Such constables, in lieu of fees or costs for services rendered by them and chargeable to said town, shall each receive an annual salary of two hundred dollars, which shall be audited, levied and paid by said town as other town charges. Police court constables.
Duties of constables.
Annual salary.

§ 3. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. In case of a vacancy in the office of police court constables, the officers authorized herein to designate such constables shall forthwith fill the vacancy by designating another constable of said town residing in said village, in the manner hereinbefore provided, who shall serve as such during the residue of the unexpired term, subject to removal as aforesaid. In case of the sickness, absence from said town or inability to serve, of any such constable, the supervisor of said town, by warrant under his hand, shall forthwith appoint another constable of said town residing in said village, police court con- Vacancies.
Appointment in case of disability.

Compensation of such appointees.

stable, to serve during the continuance of such disability. In the cases provided for in this section the persons actually serving as such police court constables shall, for the time of such service, receive compensation therefor at and after the rate herein allowed police court constables, and none other; and the sum so payable shall be deducted by the board of town auditors of said town from the salary of the police court constables succeeded in office, or for whom they shall serve in cases of disability; provided, that no part of the salary of any police court constable shall be deducted for any time he shall be absent from said town executing any process of the police justice, nor for any services rendered by any person during such absence.

Designation of constables outside of village.

If, at the time provided in section twelve of this act for designating police court constables, or at the time provided in this section for designating such constable to fill a vacancy or to serve during the disability of a police court constable, a sufficient number of the duly qualified constables of said town, who will accept such appointment, shall not reside in said village of Mechanicville, then and in such case such designation shall be made from the electors of said town residing in said village; provided, that in case any person not a constable of said town shall be designated, he shall not enter upon his office until he has taken and subscribed the constitutional oath of office and filed the same in the office of the clerk of said town. If any police court constable shall cease to be an actual inhabitant of said village, his office shall thereby become vacant. In all warrants designating such constables, in cases of filling vacancies and of disability, there shall be set forth therein the name of the constable succeeded or under disability, and in case of the latter the particular disability existing; and all warrants designating such constables shall forthwith be filed in the office of the clerk of said town.

Warrants designating constables.

§ 4. This act shall take effect immediately.

Chap. 459.

AN ACT to amend chapter six hundred and ninety-six of the laws of eighteen hundred and eighty-seven, entitled "An act to provide hospitals, orphan asylums and other charitable institutions in the city of New York with water, and remitting assessments therefor."

Accepted by the city.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and ninety-six of the laws of ^{Act amended.} eighteen hundred and eighty-seven, entitled "An act to provide hospitals, orphan asylums and other charitable institutions in the city of New York with water, and remitting assessments therefor," is hereby amended so as to read as follows:

§ 1. The several hospitals, dispensaries, orphan asylums, ^{Exemption of certain institutions from payments for water.} homes for the aged, houses or homes for the reformation, protection or shelter of females, and industrial homes, and any benevolent or charitable corporation, owning or maintaining public baths, now existing in the city of New York (or which may hereafter be established therein), are hereby exempted from the payment of any sum of money whatever to said city for the use of water taken by the same from said city, and water shall be supplied to the same by said city, in sufficient quantity for all purposes for which it is now used by said corporations, societies and institutions, or which may be necessary to be used by the same, free of all charge whatsoever, and the real estate necessarily used as a hospital, dispensary, orphan asylum, home for the aged, house or home for the reformation, protection or shelter of females, or industrial home, or occupied for such public baths of any such corporations, societies and institutions aforesaid, is hereby released, discharged and exempted from all lien and charge for water heretofore used and remaining unpaid for at the time of the passage of this act, or which may hereafter be used by any such institution, society, or corporation. ^{Free water supply.} ^{Release from liens for unpaid water rates.}

Real prop-
erty ex-
empt from
assess-
ments and
sales.

§ 2. The real property situate in the city of New York, necessarily now in use, or which may hereafter be necessarily used and devoted to an hospital, dispensary, orphan asylum or homes for the aged, which has for its objects either the care, support or education of orphans or of the sick, the infirm or aged, shall be and hereby is declared discharged and exempt from all assessments laid or made for the use of water and sales thereunder, and from all such assessments hereafter, so long as the same shall be owned by any such corporation, society or institution aforesaid, and used for the purposes herein mentioned; and whenever a sale and conveyance thereof shall be made to any person or corporation other than those mentioned in this act, thereupon the real estate so sold and conveyed and not so used, shall be thereafter subject to assessment in the same manner as other real estate situate in the city of New York.

§ 3. This act shall take effect immediately.

Chap. 461.

AN ACT to amend chapter two hundred and forty-four of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Ithaca fire department," and the several acts amendatory thereof.

Accepted by the city.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section one of chapter two hundred and forty-four of the laws of eighteen hundred and seventy-one, entitled "An act to incorporate the Ithaca fire department," as amended, is hereby further amended to read as follows:

Corpo-
rators.

§ 1. All such persons as are now, or shall hereafter be, members of each and every fire company organized or to be organized by the common council of the city of Ithaca shall be and continue a body incorporate by the name of "The Ithaca fire department," and they and their successors by the same name are authorized to purchase, receive by gift or otherwise, hold and convey any real or personal property for the use of said corporation, not exceeding in value the sum of fifty thousand dollars.

Corporate
name and
powers.

§ 2. Section two of said act is hereby amended to read as follows:

§ 2. There shall be a board of fire commissioners, who shall have the management and control of the affairs and property of said corporation, and such other powers and subject to such other obligations as are hereinafter provided. Said board of fire commissioners shall consist of the persons to be appointed by the mayor of the city of Ithaca. Said mayor shall designate one person to hold office for the term of one year beginning on the first day of July, eighteen hundred and ninety-five; one person to hold office for the term of two years, beginning on the first day of July, eighteen hundred and ninety-five, and one person to hold said office for the term of three years, beginning on the first day of July, eighteen hundred and ninety-five. Said appointment shall be made in writing, designating the terms of the respective commissioners as aforesaid, and shall be filed with the clerk of said city. The term of office of said commissioners after the respective terminations of the terms aforesaid shall be three years, commencing on the first day of July in each year; and at the first meeting of the common council of said city in June of each year said mayor shall appoint from the citizens of Ithaca, who shall be qualified as electors therein, a successor to the person whose term shall be about to expire as said commissioner; and the board of commissioners so appointed shall take the constitutional oath of office, and file the same with the clerk of said city.

Board of
fire com-
missioners

Appoint-
ment and
terms.

Oath of
office.

§ 3. Section three of said act is hereby amended to read as follows:

§ 3. As soon as practicable after the first day of December in each year said board of fire commissioners shall cause to be inserted in two of the leading newspapers of said city a notice that a caucus will be held on some day between the tenth day of December and the seventeenth day of December in each year for the purpose of placing in nomination a chief engineer, a first assistant engineer and a second assistant engineer of said department. The several fire companies of said city shall, on the last Wednesday of each year, at such place as shall be designated by said board of fire commissioners and between the hours of two o'clock in the afternoon and nine o'clock at night, hold an election, of which said board of fire commissioners shall act as inspectors. Notice thereof shall be given by two insertions in

Nomina-
tion of
chief and
assistant
engineer,
notice of
caucuses
for.

Election of
chief and
assistants.

two of the leading newspapers of said city once each week before said election. At that time there shall be elected a chief engineer, a first assistant engineer and a second assistant engineer. Said board of fire commissioners shall canvass the vote cast at such election and make return thereon to the common council of said city at their next regular meeting, and said common council shall thereupon approve or disapprove of the officers so elected; and if said council shall disapprove of any of said officers for two weeks after being thus notified of such election, then the board of fire commissioners shall call a special election of said department, at which shall be elected persons to fill said offices, or such of them as were not filled by such prior election. The officers then elected at such second election shall hold office until their successors are elected and duly qualified, unless removed for cause; and all officers elected by said Ithaca fire department shall continue in office until their successors are duly elected and have qualified.

Special election, upon disapproval of council.

Terms of officers elected thereat.

Holding over of officers.

§ 4. Section four of said act is hereby amended to read as follows:

Board of fire commissioners.

Meetings.

Officers of board.

Compensation.

Quorum.

Charge of apparatus, etc.

Appointment of clerk and superintendents.

§ 4. Said board of fire commissioners shall be known as the board of fire commissioners of the city of Ithaca, and shall have power to make such rules, by-laws and regulation, from time to time, as they may deem expedient and proper and not inconsistent with the charter and ordinances of said city. They shall meet on the first Monday after the first Wednesday of each month in a room to be provided for them by the common council of said city. They shall elect one of their number as president, and their clerk shall keep the minutes of the transactions of said board, which may be published, from time to time, as the common council of said city may direct. Said board of fire commissioners, acting alone as such, are not entitled to receive any compensation for their services except their actual and necessary disbursements and expenses. Two members of said board shall constitute a quorum. Said board of fire commissioners shall have charge of all apparatus, engines and other property now owned and used by the fire department of the city of Ithaca, or which may hereafter be purchased, and shall have power to appoint a suitable person clerk of said board, a suitable person as superintendent of hose and a suitable person for superintendent of fire alarm, who shall be subject to and under direct con-

trol and supervision of said board of fire commissioners, and be removed from office by said board for cause at any time within the discretion of the board, or a majority thereof; they may, in their discretion, appoint the same person to hold more than one of said offices. The treasurer of the city shall also be treasurer of the fire department. At the first regular meeting of the common council of said city in March of each year said board of fire commissioners shall furnish to the common council of said city an estimate in writing of the amount of money which, if economically expended, will, in their opinion, cover the expenses and all other charges necessary for the maintenance and effective service of said Ithaca fire department. Said board of fire commissioners shall have power to make rules and regulations prescribing the duties of all the officers of the Ithaca fire department, and to fix the salaries of said officers, (except the treasurer, who shall receive no additional salary as treasurer of the fire department) subject to the approval of the common council. The rules and regulations, by-laws and ordinances adopted by said board of commissioners for their own government, and for the government of the fire department of said city, shall be printed in convenient form and distributed among the different companies of said fire department for their guidance. Said board of fire commissioners shall have power to remove any and all members or officers, except the treasurer of said fire department, for cause. Ten days' notice in writing, containing the charge against any officer or member of said Ithaca fire department, shall be served by mail upon the person complained of, and he shall be given opportunity to be heard by said board of fire commissioners in his own behalf, or through counsel; and upon the determination of charges against any such person the board of fire commissioners, for cause, shall have power to suspend any offender from office, or expel him from membership in said department. It shall be the duty of said board of fire commissioners, as often as once in every three months, to require the treasurer of said fire department to exhibit to them his books, accounts and vouchers for all sums received or paid out by him. The common council of said city shall set aside for the use of the fire department of said city such sum as they deem necessary, which sum shall be under the direct control and supervision of said board of fire commissioners, to be expended by them in such manner as they

Treasurer.

Annual estimate of expenses.

Rules for fire department.

Removals for cause.

Treasurer to exhibit books.

Appropriations for department.

Restri-
ctions as to
expendi-
ture, &c.

Fund for
indigent or
disabled
firemen.

Control of
moneys.

Warrants.

shall direct. But said fire commissioners shall in no year expend a sum or incur any indebtedness in excess of the amount appropriated by the common council for the use of said fire department, and said fire commissioners shall be personally liable for any expenditure or indebtedness incurred in excess of said appropriation. The treasurer of said city shall be the custodian of said fund. All moneys coming to said department from insurance companies shall be set aside by said board of fire commissioners and accumulated as a fund for the relief of indigent or disabled firemen. Said moneys shall be left in some safe and reliable bank or depository at interest, and a statement of the amount of said fund shall be published in the annual report of said board. Said fund may be distributed to disabled and indigent firemen in such manner as said board of fire commissioners may direct. All other moneys which, by law, belong to said fire department shall be subject to the control of said board of fire commissioners, and retained or expended by them in such manner as they shall direct. No money shall be drawn except on the warrant of the commissioners.

§ 5. Section five of said act is hereby amended to read as follows:

Members
and officers of de-
partment
continued.

§ 5. The members of the Ithaca fire department, together with the officers now in charge of said companies, shall continue as now constituted, or until their successors shall be elected and duly qualified in the manner now provided for the election of members and the election of officers by the rules and by-laws of each company of said department.

§ 6. Section six of said act is hereby amended to read as follows:

Chief en-
gineer, his
powers and
duties.

§ 6. The chief engineer of said department shall have absolute control of the Ithaca fire department at all times when there is an alarm of fire in said city. And all apparatus, engines and other appliances belonging to said Ithaca fire department at the time of a fire shall be under the supervision and control of the chief engineer of said department, and he shall report to said board of fire commissioners any acts of insubordination, disobedience or lack of discipline on the part of any member or officer of said department, and such action shall be taken on such report by said board of fire commissioners as hereinbefore provided. The chief engineer shall have the power, and it shall be

his duty, to examine and report upon any and all buildings in said city which shall be dangerous by reason of their construction or location to other contiguous property to said board of fire commissioners, and the said board of fire commissioners, after examination, shall have the power to order suitable fire escapes to be placed on buildings at the expense of the owners thereof; said expense to be collected by civil action before the recorder of said city in the name of the fire department of the city of Ithaca. Said chief engineer shall, after each alarm of fire, report to said board of fire commissioners the cause of said fire in his opinion, and shall file said report with the clerk of said board. It shall be the duty of said chief engineer to personally examine all apparatus, appliances and other implements for the extinguishment of fires in said city, the buildings in which said apparatus is housed and kept, and report the condition of the same to said board of fire commissioners annually.

Inspection
of build-
ings.Fire-es-
capes.Report of
fires.Examina-
tion and re-
port as to
apparatus.

§ 7. Section seven of said act is hereby amended so as to read as follows:

§ 7. At the annual meeting of each engine company they shall elect a competent person to operate the engine of said company, subject to the approval of the board of fire commissioners. In case the selection be disapproved, said company shall at the next regular meeting elect another person, and in like manner until a selection be made which will meet with the approval of said board of fire commissioners.

Selection
of persons
to operate
engines.

§ 8. It shall be the duty of said treasurer to ascertain, as now provided by law, all money due said department from insurance companies, and to collect the same for the use and benefit of said department, as hereinbefore provided, and he shall exhibit his books, vouchers and accounts to said board of fire commissioners at their regular meeting in April, and shall at the same time turn over to his successor in office all books, papers and vouchers pertaining to said fire department.

Duties of
treasurer.

§ 9. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

§ 10. This act shall take effect June one, eighteen hundred and ninety-five.

When
takes ef-
fect.

Chap. 462.

AN ACT to amend chapter five hundred and eighty-one of the laws of eighteen hundred and ninety-four, entitled "An act to lay out and establish Fort Washington park in the twelfth ward of the city of New York."

Accepted by the city.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section eight of chapter five hundred and eighty-one of the laws of eighteen hundred and ninety-four, entitled 'An act to lay out and establish Fort Washington park in the twelfth ward of the city of New York,' is hereby amended so as to read as follows:

Appearance, etc. by corporation counsel.

§ 8. The counsel to the corporation shall, either in person or by such counsel as he shall designate for the purpose, appear for and protect the interests of the city in all such proceedings in court and before the commissioners of appraisal. The fees of the commissioners of appraisal and the compensation of such necessary clerks or assistants as they may employ, and all other necessary expenses in and about the special proceedings provided by this act to be had for acquiring title, shall be paid by the comptroller out of the fund hereinbefore provided. Such fees and expenses, not including the compensation of clerks and assistants hereinafter provided for, shall not be paid until they have been taxed before a justice of the supreme court in the first judicial district upon ten days' notice to the counsel to the corporation of the city of New York. Upon such taxation due proof of the nature and extent of the services rendered and disbursements charged shall be furnished, and no unnecessary cost or charges shall be allowed.

Fees and expenses.

Taxation by court.

Compensation of commissioners.

Each of the commissioners of appraisal shall receive the like fees or compensation as by law or the rules and practice of the court are allowed to a referee in other actions or proceedings in such court, or as the court shall deem to be fair and reasonable. [All such costs, fees and expenses or disbursements to be taxed

as aforesaid shall be stated in detail in the bill of costs and charges and expenses, and shall be accompanied by such proof of the reasonableness and necessity thereof, as is now required by law and the practice of the said court upon taxation of costs and disbursements in other special proceedings or actions in said court. The compensation of such necessary clerks or assistants as may be employed shall be paid monthly from date of appointment by the comptroller upon the certificate of such commissioners of appraisal, or a majority of them, at such a rate of compensation as may be fixed by such commissioners of appraisal, not exceeding two thousand dollars each per annum.

Detailed bill of costs.

Compensation of clerks or assistants.

§ 2. This act shall take effect immediately.

Chap. 463.

AN ACT to authorize the city of Kingston to borrow money to supply deficiency in its general fund, and to provide for the payment thereof.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Kingston is hereby empowered to borrow on the credit of said city the sum of twenty thousand dollars, or so much thereof as may be necessary to supply the deficiency which shall exist therein during the year eighteen hundred and ninety-six, at a rate of interest not to exceed five per centum per annum and pay said sum into the city treasury to the credit of the general fund and it shall be lawful for said common council to issue bonds of said city at a rate of interest not to exceed five per centum per annum, for the payment of the sum so borrowed, with the interest thereon, under the corporate seal and signed by the mayor and city treasurer of said city. Said bonds shall be classified so as to become due at the time specified in the next section.

City may borrow money.

Issue of bonds therefor.

§ 2. The said common council shall have power, in its discretion, to borrow the sum of money hereinbefore provided, or, in the first instance, to issue bonds of said city for such sum, or

Issue and sale of bonds.

so much thereof as may be necessary for such purpose, and sell at public auction for not less than par, after notice of such sale, to be published at least twice a week for three successive weeks in the official newspapers of said city. Said bonds shall be under the corporate seal of said city, signed by the mayor and treasurer thereof, shall bear interest at a rate not to exceed five per centum per annum, shall have attached thereto annual or semi-annual interest coupons, as the common council may determine, and shall be so classified that five thousand dollars thereof shall become due March first, eighteen hundred and ninety-seven, five thousand dollars March first, eighteen hundred and ninety-eight, five thousand dollars March first, eighteen hundred and ninety-nine, and five thousand dollars March first, nineteen hundred. The proceeds arising from the sale of said bonds shall be paid into the city treasury to the credit of the general fund.

When due.

Proceeds.

Annual tax
for principal
and interest.

§ 3. It shall be the duty of the said common council, and it is hereby empowered to levy and assess upon the taxable property of said city and include in the annual tax levy such sums as may be necessary to pay the principal and interest of the sum so borrowed or the bonds herein provided for as they shall become due and payable.

§ 4. This act shall take effect immediately.

Chap. 464.

AN ACT to amend chapter eight hundred and nineteen of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of New Brighton," as amended by chapter three hundred and ninety-four of the laws of eighteen hundred and seventy-five.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section three of title five of chapter eight hundred and nineteen of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of New Brighton," as amended by chapter three hundred and ninety-four of the laws of eighteen hundred and seventy-five, is hereby amended so as to read as follows:

§ 3. All taxes and assessments authorized by this act shall be ^{Lien of} and remain a lien upon the lands and premises upon which the ^{lands and} same shall be imposed or assessed until paid. To all taxes and ^{assess-} assessments which shall remain unpaid for thirty days after the ^{ments,} issuing of the warrant for the collection thereof, there shall be ^{Percentage} added five per cent., and to all taxes remaining unpaid sixty ^{and inter-} days after the issuing of said warrant there shall be added five ^{est added} per cent. more, and in addition to the ten per cent. so imposed, ^{to unpaid} there shall be added twelve per cent. per annum interest from ^{taxes.} the time of issuing said warrant until paid. When any such tax ^{Sale of} or assessment upon real estate shall remain unsatisfied, in whole ^{lands for} or in part, it shall be lawful for the board of trustees, at any ^{unpaid tax} time after one year from the laying of the tax or assessment, to ^{or assess-} cause such lands and premises, or such part thereof as they shall ^{ment.} deem sufficient for the purpose, to be sold by public auction, ^{Notice.} within the village, for the payment of such tax or assessment, ^{Manner of} or such part thereof as may be remaining unpaid, and the interest ^{sale,} and penalty thereof, together with the expense of advertisement and sale. Public notice shall be given of such sale by the ^{Redemption} board of trustees by advertisement once a week for three weeks ^{of} in two newspapers published in the village, and the sale shall ^{lands.} be conducted in like manner as sales of real estate on execution. ^{Certificate} The sale shall be for the shortest term of years for which any ^{of sale,} person will take the premises and pay the amount of tax and ^{of sale,} assessment, with the interest, penalty and expenses. The right ^{of sale,} of redemption in all cases of sale shall exist to the owner or ^{of sale,} owners of the premises sold, and to the heirs, assigns or creditors ^{of sale,} of such owner or owners, in the same manner and to the same ^{of sale,} extent as is allowed by law in cases of sales of real estate on ^{of sale,} execution; the payment for such redemption shall be made to ^{of sale,} the treasurer of the village for the use of the purchaser or pur- ^{of sale,} chasers of the premises, or to the legal representatives or assigns ^{of sale,} of such purchaser or purchasers. Said treasurer shall give to ^{of sale,} the person so making such payment a receipt for the money, ^{of sale,} expressing on what account the money is received, and also a ^{of sale,} duplicate receipt expressing the same; and the person so making ^{of sale,} such payment shall file the duplicate receipt with the clerk of ^{of sale,} the board of trustees, and such redemption shall not be complete ^{of sale,} until the same be so filed. Upon a sale being made, the board ^{of sale,} of trustees shall give to the purchaser or purchasers a certificate

In writing, under the corporate seal, subscribed by the president and countersigned by the clerk of the board, containing the name of the purchaser or purchasers, a brief description of the premises sold, the term for which they were sold, the amount of tax or assessment, with the interest and expense for which the sale is made, the name of the owner or owners of the premises according to the assessment-roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises in case the same be not redeemed. The purchaser or purchasers shall cause a duplicate of such certificate to be filed with the clerk of the village, and a like duplicate with the clerk of the county of Richmond, within twenty days after the sale, who shall index the same in a book kept for that purpose. In case the proceedings be discontinued before the sale, the board of trustees may charge for such expenses the sum of three dollars in addition to printer's fees, and in case the premises be sold, they may charge for such expenses and certificate the sum of six dollars in addition to printer's fees. In case a lease be given, as hereinafter provided, they may charge therefor the sum of five dollars, to be paid on delivery thereof by the person taking the same. When there shall be no redemption within the time allowed by law, or in case of a redemption by a creditor or creditors, the board of trustees shall execute and deliver to the person or persons legally entitled thereto, a lease of such premises, under the corporate seal, subscribed by the president and countersigned by the clerk of the board, which lease shall be for the term for which such premises were sold, computing the same from the expiration of fifteen months from the day of sale. The lease shall be conclusive evidence that such tax or assessment was legally imposed, and that the proceeding and sale were regular. The person or persons lawfully holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law relative to persons holding over any real estate sold under execution and shall and may lawfully hold and enjoy the premises during the time specified in the lease, against the owner or owners thereof, and all persons claiming under such owner or owners; provided, however, that in case such lease be for a term exceeding three years, it shall, unless recorded in the office of the clerk of the county of Richmond within thirty days after the delivery thereof, cease to be valid, or to operate as a lien upon

Duplicate
to be filed.

Fees for
expenses
certificates
and leases.

Lease of
premises.

Possession,
how
obtained.

Lease un-
less record-
ed ceases to
be lien.

the premises as against any purchaser or mortgagee of the premises in good faith for a valuable consideration and without notice. In recording such leases, the county clerk shall cause the same to be indexed to the owner or owners of the premises. The person or persons lawfully holding such lease may, at the expiration of the term, or within thirty days thereafter, remove all buildings put upon the premises during the term in the exercise of the right of occupancy under such lease. In case the village shall in itself buy in the premises, it shall not be necessary to make out and deliver the certificates and leases above specified, but the facts regarding the purchase shall be entered by the treasurer in a book kept by him for the purpose, and at the expiration of the period of redemption the title of the village shall become absolute without further proceedings upon its part.

Removal of buildings erected during term.

Provision in case of purchase for village.

§ 2. This act shall take effect immediately.

Chap. 465.

AN ACT authorizing the board of trustees of the Clifton Springs Sanitarium Company to issue bonds and mortgage the trust property to raise money to pay the cost of completing the new sanitarium building.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the Clifton Springs Sanitarium Company, a corporation created by chapter one hundred and fifty-five of the laws of eighteen hundred and fifty-four and chapter nine hundred and seventy-three of the laws of eighteen hundred and sixty-seven; chapter eight hundred and ninety-four of the laws of eighteen hundred and seventy-one, and chapter two hundred and eighty-two of the laws of eighteen hundred and eighty-one amendatory thereof, is hereby authorized to execute and issue the bonds of said corporation to an amount not exceeding in the aggregate the sum of one hundred thousand dollars, payable within fifteen years from their date and time of issuing, and bearing a rate of interest not exceeding four per cent. per annum, and not to be issued at less than par, for the purpose of borrowing money thereon to be applied to the payment of the

Issue of bonds for completion of building.

Mortgage
of property
to secure
payment.

cost of completing the principal building of said company, at Clifton Springs in the county of Ontario, by adding thereto an east wing corresponding in size and style with the west wing thereof now erected; and to secure the payment of the said bonds, according to their terms, the said board is also authorized to execute and cause to be recorded in the office of the clerk of said county, a mortgage upon all or a part of the property of said corporation. But no mortgage nor bonds shall be issued without the written consent of Henry Foster and Mary E. Foster, his wife, the creators of the trust vested in said board of trustees, appended to or endorsed upon said mortgage and recorded therewith.

§ 2. This act shall take effect immediately.

Chap. 468.

AN ACT to amend chapter five hundred and thirty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Chateaugay, in the county of Franklin."

BECAME a law April 27, 1895, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section eleven of chapter five hundred and thirty-one of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Chateaugay, in the county of Franklin," is hereby amended so as to read as follows:

Annual
village tax

§ 11. The ordinary expenses of the village, and all sums of money voted for special purposes, shall be defrayed by tax, to be assessed upon the real and personal property subject to taxation within said village, and be collected within each current year from the time of voting the same. The sum to be raised for ordinary expenses shall be determined by the meeting, before any resolution to raise money for a special purpose can be offered, and the whole sum to be raised for ordinary and special purposes together, during any one year shall not exceed the sum of fifteen hundred dollars in addition to the sum now authorized to be raised and expended in any one year by said act.

Limitation

§ 2 This act shall take effect immediately.

Chap. 469.

AN ACT to amend chapter seven hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond, in the county of Richmond."

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. Section thirty-two of chapter seven hundred and ninety-two of the laws of eighteen hundred and sixty-six, entitled "An act to incorporate the village of Port Richmond, in the county of Richmond," is hereby amended so as to read as follows: Charter amended.

§ 32. The trustees upon the written application of ten resident taxpayers of the village, may lay out and establish new streets; and on like application may extend any street; and on application of a majority of the owners of lots fronting on any existing street may discontinue it. Streets, power of trustees as to.

§ 2. This act shall take effect immediately.

Chap. 471.

AN ACT amending the charter of the village of Hempstead, empowering the board of trustees of said village to contract with an electric light company, or with any person or persons, or corporations authorized by law to furnish electric light for lighting the streets and public highways within the incorporated district of the village, and enlarging the powers of the trustees, permitting them to submit to a vote of the people of the district, any question involving the furnishing of the village and its inhabitants with water, lights, the improvement of the fire department, and relating to good government of the village.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. The trustees of the village of Hempstead are authorized and empowered to contract with any electric light or gas company organized under the laws of this State, or with any Contracts for lighting streets.

person or persons, for lighting the streets and public highways in such district.

Restri-
tions.

§ 2. No such contract shall be made and entered into by such trustees for a longer period than five years, nor for a greater sum in the aggregate than three-fourths of one per centum per annum, upon the assessed value of the property within the corporate limits of the village.

Contracts,
how to be
made.

§ 3. Any such contract shall be made and entered into by said trustees in the corporate name of the village of Hempstead, and shall be a valid and binding charge upon the real and personal property, within the corporate limits of said village. Any amount thereof agreed to be paid shall be assessed, levied and collected at the same time and in the same manner as other taxes are assessed, levied and collected, in said district in addition to the other taxes.

Assess-
ment of
amount.

Question of
contract to
be submit-
ted to peo-
ple.

§ 4. To make a contract with said gas or electric light companies, or persons, for a longer period than five years, or involving any expenditure of a larger sum per annum than three-fourths of one per centum, upon the assessed value of property within the village. The same must be, by the board of trustees, submitted to a vote of the people for their rejection or approval before any contract can be made.

Submis-
sion of
question
of estab-
lishing
electric-
light and
water sys-
tem.

§ 5. Upon presentation to the trustees of said village by a petition signed by more than twenty-five taxpayers, residing in said village, such board of trustees shall submit to a vote by ballot at an annual, or a special election duly called, the question of issuing bonds to an amount not exceeding eight per centum on the assessed valuation of the property in the village, for the purpose of establishing a water and electric-light system in such village, and leasing, or buying the power to furnish water and electric light. Notice of the election shall be published for two successive weeks in the newspapers published in said village, and posted in at least five conspicuous places therein; only taxpayers, who are legal voters, shall be entitled to vote on such question.

Notice of
election.

Qualifica-
tion of
voters.

Construc-
tion and
establish-
ment of
systems
upon fa-
vorable
vote.

§ 6. If the majority of such voters shall favor the establishment of electric-light and water systems, said trustees shall have the power to make any necessary arrangements, regulations and contracts for the construction and putting in operation such electric-light and water system, and shall have power to lay

pipes, put up hydrants, erect machinery, apparatus, fixtures, poles, wires and to proceed to properly light said village streets with electric light, and to furnish to the fire department sufficient water to extinguish fire, and they shall furnish to the inhabitants of said village, water and arc and incandescent lights from such village, water and light systems, at such rates as shall be fixed by the board of trustees, and shall demand and enforce payment for such light and water in the name of the village. All sums received by the board of trustees, shall be kept separate and applied upon the payment of the operating expenses of such electric-light and water systems, and if in any year there is not sufficient amount received to pay the operating expenses of such systems, the board of trustees shall have power to raise annually such sums of money as shall be necessary to run and operate them, and if the amount so received should exceed the amount needed for operating expenses, the surplus should be applied to the payment of the principal and interest of the bonds issued in the construction of such system or either of them. The board of trustees shall publish annually a detailed and itemized statement of all the receipts and expenditures on account of the operation of such systems. The exclusive control of operating them shall be vested in the board of trustees, who shall have power to appoint some suitable person as superintendent to supervise the operation of the same, and perform such other duties as may be prescribed by the board of trustees, and shall fix his compensation.

Tax for
operating
expenses.

Applica-
tion of sur-
plus.

Annual
financial
statement.

Superin-
tendent.

§ 7. To pay for the construction of the electric-light and water systems, or either of them, as shall be voted by the electors of the village, the board of trustees shall be authorized to issue bonds to an amount not exceeding eight per centum on the assessed valuation of the property in the village, such bonds shall be signed by the president and clerk of the village. They shall not run for a longer period than thirty years, nor sold at less than par; shall bear interest at a rate not to exceed four per centum per annum, payable annually, and shall be for one hundred dollars each. The said trustees shall add to the general tax in each year after such bonds are issued, an amount sufficient to pay the interest on all such bonds, and the principal of the bonds as they shall mature.

Issue of
bonds.

Tax for
interest
and
principal.

§ 8. This act shall take effect immediately.

Chap. 472.

AN ACT relating to auction sales in the city of Buffalo.

Accepted by the city.

BECAME a law April 27, 1895, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*Auction
sales regu-
lated.

Section 1. All sales of goods by public auction in the city of Buffalo by an auctioneer, shall be made in the daytime, between sunrise and sunset, excepting:

1. Books or prints.

2. Goods sold in the original package as imported, according to a printed catalogue, of which samples shall have been opened and exposed to public inspection at least one day previous to the sale.

3. Paintings, statuary, bronzes and other works of art and specimens of natural history, which have been on public exhibition in the city of Buffalo for at least one day immediately preceding the time of sale, provided that public notice of the time and place of such exhibition shall have been given by advertisement for at least one day immediately preceding the day of such exhibition, in one or more of the daily newspapers printed in said city, and designated as hereinafter prescribed; and provided further that a special permit for such exhibition and sale shall have been granted by the mayor of said city, who is hereby authorized to grant such special permits in his discretion, and on such reasonable conditions as he may prescribe. The mayor of said city shall, from time to time, by a notice to be filed in his office and printed for five consecutive days in the official paper of said city, designate the newspapers in which the advertisements herein provided for may be printed and the mayor may at any time, by a like notice, revoke the designation of any such newspapers.

4. Horses and live stock.

Penalty for
violations.

Every auctioneer who shall violate the provisions of this act shall be deemed guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 474.

AN ACT to amend chapter four hundred and sixty-one of the laws of eighteen hundred and ninety-two, entitled "An act for the establishment and government of a public park or parks in the county of Kings, or adjacent thereto, and providing that the same shall be a public work of the county of Kings, and to authorize said county to provide for the means therefor by the issue of bonds."

Accepted by the city.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter four hundred and sixty-one of the laws of eighteen hundred and ninety-two, entitled "An act for the establishment and government of a public park or parks in the county of Kings or adjacent thereto, and providing that the same shall be a public work of the county of Kings, and to authorize said county to provide for the means therefor by the issue of bonds," is hereby amended to read as follows: Act amended.

§ 4. Upon the confirmation of said report the park commissioner of the city of Brooklyn, acting as a commissioner, as designated and appointed by the first section of this act, shall have power as such, to purchase and acquire in fee the lands and premises described in said report, or the portion thereof constituting any of the parks so selected and located. And all lands so purchased and acquired shall be taken and held in the name of the county of Kings, and used as public parks of said county. Such park commissioner may expend the sum of two hundred and fifty thousand dollars, or such part thereof, as he deems proper and advantageous, in improving for park purposes any of the lands so acquired. The said lands and premises so taken, and such improvement thereof shall be a public work of the county of Kings. Purchase and acquisition of lands.
Expenditures for improvements.

§ 2. Section six of said act is hereby amended to read as follows:

§ 6. The said commissioner shall from time to time certify to the county treasurer of Kings county, the amount of money then required and necessary to defray the expenses of acquiring said Certification of expense.

Issue and
sale of
bonds.

land and premises, or any portion thereof, by purchasing or otherwise, as aforesaid, and the expenses of all proceedings connected therewith. In the amount so at any time certified, such commissioner may include such portion of the sum of two hundred and fifty thousand dollars, allowed to be expended by section four of this act, as he may deem then required and necessary for the purposes for which it is provided. As soon as practicable after receiving the certificate from the said commissioner of the expenses of establishing the said public work, as herein provided for, the county treasurer of Kings county shall issue and sell the bonds of the county of Kings for the necessary amount specified in said certificate or certificates, bearing interest payable half yearly at a rate not greater than four per centum per annum. The bonds shall be denominated "Kings county park bonds," and shall be numbered consecutively, and shall each be made to secure the payment of the same amount of money, and none of them shall have more than fifty years to run, and they shall be so made and issued that after ten years from the time the same are issued, they shall be made payable in annual installments as nearly equal as practical, within the next fifty years next succeeding the date of the issue thereof. The interest upon said bonds and the principal amount secured thereby shall be raised by taxation in said county. For the purpose of ascertaining how many of such bonds shall be made payable as aforesaid, in any one year, such commissioner shall make a preliminary estimate and statement of the probable amount that will be required for the acquisition of lands for the purposes of this act, and for the expenses of proceedings connected therewith as aforesaid; and the amount of bonds made payable in each year, as aforesaid, shall be adjusted according to such preliminary estimate and statement. If the amount required for such public work exceeds or falls below the amount stated in such preliminary estimate and statement, the difference shall be adjusted by issuing more or less (as the case may be) of such bonds, which have the longest term to run. During the year eighteen hundred and ninety-five, and in sufficient time to enable said county treasurer to issue and sell the bonds, such commissioner shall make and file with the county treasurer, an estimate of the entire amount of money required for such public work in addition to that already provided by the issue and sale of bonds as herein pro-

Preliminary
estimate
of
expenses.

Adjustment
of
bonds to
estimate.

Estimate
of entire
expense.

vided, and thereupon and in the same year, such county treasurer shall ^{issue and sale of bonds therefor.} issue and sell bonds sufficient to realize the amount of money so estimated and stated, and the money realized from the issue and sale of such bonds shall be held by such treasurer until paid to such commissioner, upon his requisition therefor as in this act provided.

§ 3. This act shall take effect immediately.

Chap. 475.

AN ACT relative to the repavement of streets and avenues in the city of New York.

Accepted by the city.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever, and as often as the board of estimate and apportionment in the city of New York shall determine that the public interests require the repavement of certain streets and avenues in said city, to be designated by such board from time to time, and that the expense of such repavement should be paid out of the proceeds of the sale of the city's stocks or bonds hereinafter authorized to be issued for such purpose; it shall be lawful for said board to authorize such repavement and to determine the kind of pavement which shall be laid, and upon such authority being given it shall be the duty of the commissioner of public works in said city to proceed with the work of repavement so authorized. He shall have power to determine the manner in which such pavements shall be laid. The work of such repaving shall be done under contracts, to be let on sealed bids or proposals after advertisement in the manner now provided by law in the case for contracts for public works in said city. ^{Streets and avenues, repavement of.} ^{Contracts for work.}

§ 2. For the payment of the expense to be incurred under the authority of this act, the comptroller of said city of New York shall issue, from time to time, when thereto directed by the board of estimate and apportionment, bonds or stocks of the mayor, aldermen and commonalty of the city of New York, payable from taxation. Such stocks or bonds shall be redeemable ^{issue of bonds or stocks.}

In not less than ten nor more than thirty years from the date of issue, as the comptroller shall determine, shall bear interest at the rate to be fixed by the comptroller, not exceeding three and one-half per centum per annum, and shall not be disposed of at less than par value. The mayor and comptroller shall sign said stocks or bonds, and it shall be the duty of the clerk of the common council of said city to countersign the same, and to affix thereto the seal of said city. Said bonds shall not be issued to a greater amount in the aggregate than three million dollars and not more than one million dollars of said bonds shall be issued in any one year, beginning from the first of January, eighteen hundred and ninety-five. Nothing in this act contained shall be construed as repealing, or in any way affecting any existing provisions of law in relation to the repavement of streets, avenues and public places in the city of New York, the expense of which is authorized by such provisions to be met by taxation.

Proviso.

Estimate of cost to be submitted

No contract until appropriation.

§ 3. Before advertising for or executing any contract for the repavement of any street or avenue, as provided for in this act, said commissioner of public works shall submit to the board of estimate and apportionment of said city, an estimate as nearly as may be of the probable cost of such repavement, and no contract shall be entered into for the repavement of any street or avenue under the provisions of this act, until said board of estimate and apportionment shall have appropriated the amount to be expended therefor from the proceeds of said stocks or bonds.

§ 4. This act shall take effect immediately.

Chap. 478.

AN ACT to extend the corporate existence and charter of the Glen Cove Mutual Insurance Company.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate existence extended.

Section 1. The corporate existence of the Glen Cove Mutual Insurance Company, incorporated by chapter one hundred and eighteen of the laws of eighteen hundred and thirty-seven, entitled "An act to incorporate the Glen Cove Mutual Insurance

Company," is hereby extended, and its charter and all provisions of law applicable thereto are continued in force for thirty years from the twenty-ninth day of March, eighteen hundred and ninety-seven.

§ 2. This act shall take effect immediately.

Chap. 479.

AN ACT to establish a police and fire department In the village of Canastota, Madison county.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall hereafter be elected in the village of Canastota, by the electors of the village, as hereinafter provided, a police justice, who shall hold his office during the term of four years, and until his successor shall be elected and qualified. The board of trustees of said village shall, immediately after this act shall take effect, call a special election for police justice in said village, giving ten days' notice thereof, and the person elected police justice at such election shall hold such office until the next annual election in said village and until his successor shall be elected and qualified and no longer, and at such next annual election there shall be elected in said village a police justice for the full term of four years.

§ 2. The election of such justice shall be held at the same time with the annual village election, except as hereinbefore provided, and his term of office shall commence on the first day of the following month. In case of a vacancy in said office from any cause, the trustees shall appoint a police justice for the purpose of filling such vacancy until the next village election, and the person so appointed shall enter upon such office upon the day following such appointment, and, in the meantime, the justice of the peace of the town of Lenox, designated as hereinafter provided, shall perform the duties of police justice of said village. Every person elected or appointed police justice of said village shall, before entering upon the duties of his office, and within ten days after official notice of his election or appoint-

Police justice, election and term of.

First election.

Annual election.

Vacancy in office.

Oath of office.

ment, take and file with the clerk of Madison county the constitutional oath of office.

**Residence
and salary.**

§ 3. Said justice shall reside and keep his office within the village of Canastota; he shall receive an annual salary to be fixed by the board of trustees, not exceeding four hundred dollars, payable monthly by the village treasurer, upon the warrant of said justice, countersigned by the president or president pro tempore. He shall receive no other fee or emolument whatever for the performance of the duties of his office, and no incumbent of any other State, county, town or village office, except notary public, shall hold said office of police justice.

**Disqualifi-
cations.**

**Jurisdic-
tion in
criminal
matters.**

§ 4. He shall have exclusive jurisdiction of all criminal matters arising within the corporate limits of said village of which justices of the peace and courts of special sessions now or hereafter shall have jurisdiction within the towns of this State, except as hereinafter provided. He shall have exclusive jurisdiction to try, (without allowing bail to the grand jury) and try all persons brought before him accused of any crime of the grade of misdemeanor or of a lesser degree, and not punishable by imprisonment in a State prison; but any such person entitled thereto shall have the right of trial by jury, to be drawn, summoned and sworn as provided by title five, article third, chapter nineteen, of the code of civil procedure, but said justice may summon such jury forthwith, and set aside any juror so drawn who resides more than one mile without the corporate limits of said village, and draw another juror in his place. He shall be a magistrate, and have concurrent jurisdiction with the justices of the peace of all criminal matters within the town of Lenox of which justices of the peace or courts of special sessions now have or hereafter shall have jurisdiction within the towns of this State. Said justice shall, in all things relating to the mode and manner of procedure in this court, or in the arraignment, trial or examination of parties accused, be governed by the same laws as justices of the peace or courts of special sessions in towns. He shall also have power to administer oaths, to take affidavits and acknowledgments, subject to the same rules, and in all cases where he could were he a justice of the peace in Madison county.

**Right of
trial by
jury.**

**Concurrent
jurisdic-
tion in
with the justice
of peace.**

**May
administer
oaths, etc.**

**Jurisdic-
tion as to
violations
of village
charter.**

§ 5. The said police justice shall, in said village, also possess all the jurisdiction, power and authority which are now vested in justices of the peace in the town of Lenox, in relation to the

violation of the charter, by-laws or ordinances of the village of Canastota, and appeals from his judgment may be taken to the county court of Madison county, in the same manner as from judgments of justices of the peace in towns, and all criminal proceedings pending before him may be removed and stayed, as provided by section fifty-seven of the code of criminal procedure. And in criminal cases appeals from his judgment may be taken to the court of sessions of Madison county, in the cases and manner provided by title three of the code of criminal procedure.

Appeals from judgments.

§ 6. He shall keep a record of all proceedings before him, in which shall be entered all judgments he may render, all fines or penalties imposed, and against whom imposed, and whether collected, and if so, when and how.

Record of proceedings.

§ 7. He shall make out an account against the town of Lenox, at least annually, before the first day of November, of all criminal matters and proceedings (except civil proceedings, to enforce or relating to the charter, by-laws or ordinances of said village) that were heretofore or may hereafter be proper charges against said town of Lenox, and present the same to the said town board or other auditing board or officers of said town, and said town shall audit and allow said account for the same amount, to be paid to the treasurer of said village, as though the service aforesaid had been performed by a justice of the peace or court of special sessions of said town or county.

Annual account against town.

Audit and payment of same.

§ 8. He shall also, at least annually, make out an account against the county of Madison for all services which he shall perform, which were heretofore or may hereafter be a county charge against the county of Madison, and present the same to the board of supervisors of said county; and said board of supervisors shall audit and allow said account for the same amount as though the services therein charged had been performed by a justice of the peace or court of special sessions of said county; and the amount allowed by the said board of supervisors and charged to the county shall be paid by them to the treasurer of the village of Canastota; and the amount audited and charged to the town of Lenox shall be collected as other town taxes are collected, and paid by the supervisor of said town, when collected, to the treasurer of said village.

Annual account against county.

Audit and payment of same.

§ 9. Said police justice shall collect and receive all fines, fees, penalties and allowances that are by law collectible by justices

Collectors of fines, &c.

of the peace, or courts of special sessions in towns, or that may be imposed and received by him to enforce the charter, by-laws or ordinances of said village. And on or before the tenth day of each month he shall make out and return to the clerk of said village, in such form as the board of trustees may direct, a sworn tabular statement of all such fees, fines, penalties and allowances imposed, received or collected by him, either directly or indirectly, during the month last preceding, and with the receipt of the treasurer of said village, showing that said justice has paid into the village treasury the amount of all such fines, fees, penalties and allowances, or any part thereof, on or before the twentieth day of each month, and any intentional false statement, or any intentional omission to set out in such statement any portion of such fines, fees, penalties or allowances received by him shall be sufficient cause for removal of said police justice from office.

Return of
fees, etc.,
to village
clerk.

Penalty for
false state-
ments.

Designa-
tion of
assistant
police jus-
tice.

Power and
jurisdic-
tion of
such jus-
tices.

Salary.

§ 10. The board of trustees of said village shall designate and appoint one of the justices of the peace of the town of Lenox, who, during the term of his office as justice of the peace, at any time when said police justice shall be unable to perform the duties of his office, on account of necessary absence, sickness, or any other cause that does not vacate his office, shall be known as assistant police justice, and who shall have all the powers and jurisdiction, and perform all the duties and be subject to all the regulations and penalties herein provided as to said police justice; and for such services said justice of the peace, or any justice of the peace performing services under the provisions of this act, shall receive an amount proportionate to the salary of the said police justice, to be audited by the trustees of said village, and said amount shall be deducted from the salary of said police justice; except when said police justice shall certify that he is disqualified by relationship or any other cause, to try a case, and in such case the assistant police justice shall charge his fees therefor to the town of Lenox or the county of Madison, as the case may be, and such fees shall be for his own use and benefit.

Provision
in case of
absence of
police jus-
tice and
assistant.

§ 11. If both said police justice and said assistant police justice shall be absent or unable to perform said duties, then any other justice of the peace of the town of Lenox shall have the same jurisdiction and powers, and perform the same duties,

and be subject to the same regulations and penalties, in all respects, as said police justice, during the time he shall act. But no justice of the peace residing or having his office in said village shall receive any fees, emoluments or pay from any source, for the performance of any service or services in any matter of which said police justice has jurisdiction, except as provided in this act.

§ 12. Said police justice, or other justice of the peace, performing services under the provisions of this act, shall have power to take affidavits and acknowledgments in all matters and proceedings before him. ^{Power to take affidavits, etc.}

§ 13. The board of trustees of said village shall provide said police justice with a suitable room for holding his court, and with fuel, lights and stationery necessary for his official uses. ^{Rooms and stationery.}

§ 14. The said police justice may be removed by the county judge of Madison county for just cause, on written charges, and after a trial on notice. ^{Removal for cause.}

§ 15. If the police justice fund hereafter mentioned shall not be sufficient therefor, it shall be the duty of the board of trustees in each and every year to cause the amount of the salary of said police justice, as herein provided for, to be assessed, levied and collected from the taxable property of said village at the same time and in the same manner that other taxes of said village are assessed, levied and collected, and the same shall be applied to the payment of such salary. ^{Tax for salary.}

§ 16. The board of police and fire commissioners of the village of Canastota shall consist of four members, who shall be resident taxpayers of said village, and who shall serve without pay. Within ten days after this act shall take effect the board of trustees of said village, upon at least three days' notice to all the members thereof, shall meet and appoint four police and fire commissioners, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year from the first day of April, eighteen hundred and ninety-five, who shall hold office for said terms of one, two, three and four years, respectively, or until their successors are appointed and qualified; and thereafter said board of trustees shall, subsequent to the annual election, and within ten days thereafter, appoint one police and fire commissioner for the full term of four years, so that said board of police and fire commissioners ^{Police and fire commissioners, appointment and terms of.}

shall at all times consist of four members. It being the intent of this act to have and keep said board of police and fire commissioners as nonpartisan and free from political bias and prejudice as may be, two of said commissioners so to be first appointed shall belong to the political party polling the highest number of votes, and two to the political party polling the next highest number of votes at the polling places in such village at the last preceding general election. The board of trustees may at any time appoint to fill a vacancy occurring in said board of police and fire commissioners for the unexpired term; but all such appointments, either for a full term or to fill a vacancy, shall be so made that at all times said board of police and fire commissioners shall consist of two members belonging to the political party or organization polling the largest number of votes, and two to the political party or organization polling the next largest number of votes at the polling places at the last preceding general election.

Vacancies.

Removals
for cause.

§ 17. Said police and fire commissioners or any of them, or their successors, may be removed for neglect to perform their prescribed duties, or for official negligence, or for malfeasance of any kind, by a two-thirds vote of the board of trustees of said village; but prior to such removal written charges shall be preferred, signed by at least two of the trustees of said village, and an opportunity to answer in person, at an open meeting of said board of trustees, shall be given. Said charges must be preferred against individual members of the board of police commissioners, and not against the whole board.

Charges to
be preferred.

Organiza-
tion of
board.

Clerk of
board.

§ 18. Said police and fire commissioners shall, within ten days after their appointment, take the constitutional oath of office, and shall elect their own presiding officer. They shall appoint from their own number a clerk, who shall receive for his services, not exceeding twenty-five dollars per annum from said village of Canastota, whose duty it shall be to keep a record of all appointments and removals made by them, as hereinafter provided, and also a record of their acts, and of the rules and regulations adopted by them as said board of police and fire commissioners, which said record shall at all times be open to the inspection of the trustees of said village and of the town board and town auditors of the town of Lenox.

Rules and
regulations
for police-
men.

And the said board of police and fire commissioners are hereby empowered in their discretion to enact, adopt, modify and repeal,

from time to time, rules and regulations for the management and discipline of the policemen appointed by them, and may fine or suspend from pay or duty, or both, any of said policemen. All such rules and regulations, when duly made, enacted or adopted by the said board of police and fire commissioners, shall have the same force and effect as if herein specifically enacted; provided, that such rules and regulations shall not be in conflict with the provisions of this act, or with the laws of this State, or of the United States.

§ 19. The board of police and fire commissioners shall appoint such number of policemen as shall, from time to time, be fixed by the board of trustees of the village of Canastota, not exceeding four, and may appoint at any time such number of special patrolmen from among the citizens of said village as the board of trustees of said village may direct; but no such appointment of special patrolmen shall be made for more than five days at a time. Such policemen and special patrolmen, together with the said police and fire commissioners, shall constitute the police force of said village. And the said board of police and fire commissioners may, upon application of any person or persons or corporation, showing the necessity therefor, appoint special police constables to do special duty as required by the applicant, but such last named police constables shall not be entitled to any compensation for their services from either the town of Lenox or the village of Canastota, or the county of Madison. Nor shall any appointment of special police constables be made upon the application of any person or persons or corporation as herein provided, until after the applicant or applicants shall have secured and indemnified the said village of Canastota with a good and sufficient bond to be approved by the board of trustees of said village, conditioned that the said village will be saved harmless from all costs, salaries, expenses or damages by reason of such appointment. Any person appointed either as policeman, special patrolman or special police constable shall take and file with the clerk of the village of Canastota the constitutional oath of office before entering upon the duties of his office. A certificate of the appointment of such policemen shall be duly filed with the clerk of the village of Canastota, and a copy thereof duly certified by said clerk shall be filed in the office of the clerk of Madison county.

Police men,
appoint-
ment of.

Special
police con-
stables.

Oath of
office.

Certificate
of appoint-
ment.

Terms of
policemen.

§ 20. Such policemen, special policemen or special police constables shall hold their office during the pleasure of the board of police and fire commissioners.

Chief of
police, his
powers
and duties.

§ 21. One of such policemen shall be designated by the board of police and fire commissioners as "chief of police," who shall be the chief executive officer of the police force, shall keep a record of all arrests made by him and the policemen, special patrolmen and special police constables, showing the name of the person arrested, by whom, at what hour, and for what offense, and the disposition made of each case; and make a report of the same monthly to the board of commissioners of the village, and shall perform such other duties as shall be prescribed by law, or by the rules and regulations of the board of trustees of the village of Canastota, and the board of police and fire commissioners.

Vacancies
in force.

§ 22. In case of a vacancy in said police force, from any cause, the said board of police and fire commissioners shall appoint to fill the vacancy, and they shall remove any of said policemen upon being convinced of their incompetency or of their being guilty of any illegal, corrupt or other improper conduct.

Powers and
duties of
policemen.

§ 23. The said policemen shall have the full power and duties of constables of towns in regard to criminal process and proceedings, and in addition thereto, all the powers and duties conferred by this act, and they shall perform such other duties as shall be lawfully prescribed by the rules and regulations of the board of trustees of the village of Canastota and the board of police and fire commissioners, and it shall be the duty of such policemen to serve any and all process and papers issued by the police justice of the village of Canastota, and no other officer or person shall have the authority to serve such process and papers, except where in the opinion of the police justice the service can be more efficiently performed by the sheriff of Madison county, or by a town constable; and this discretion shall apply only to those cases arising without the corporate limits of the village or in cases of felony; and it shall not be competent for any constable or deputy sheriff to make arrests within the village of Canastota without warrant, except in cases of breach of the peace while actually occurring. But no limitation of the powers of constables or deputy sheriffs shall apply to any special police, or to those special deputy sheriffs appointed under an

Constables
and deputy
sheriffs not
to make
arrests ex-
cept, etc.

Service of
process in
village.

act passed April twelve, eighteen hundred and sixty-seven (being chapter three hundred and seventy-five of the laws of eighteen hundred and sixty-seven), or to any violation of the game laws of the State.

§ 24. The pay of each of said policemen shall be fixed by said police and fire commissioners and shall not exceed the rate of forty-five dollars per month for such time as any such policeman shall actually serve, except that the policeman designated as "chief of police" shall be paid not to exceed sixty dollars per month, and each of such special patrolmen shall be paid two dollars for each day he shall actually serve. Such salaries shall be paid monthly upon the warrant of the president of the board of trustees drawn upon the treasurer of the village, and the money to pay the same shall be taken from the fund which is designated as the police justice fund; whenever there shall not be sufficient money to the credit of that fund with which to pay such salary, then and in that case the board of trustees of the village of Canastota are hereby authorized to borrow money sufficient for such purpose, and the amount so borrowed shall be in addition to and collected with the amount annually raised by taxation in said village as now authorized by law. Such policemen shall not receive any other compensation, except when traveling in the discharge of their duty in conveying persons to prison, or by direction of the board of police and fire commissioners in the discharge of their duties, or upon the direction of the police justice, upon warrant issued by him, when their actual expenses shall be paid upon a verified account of the items of such expenses in detail, to be certified by the board of police and fire commissioners and audited and paid by the board of trustees of the village of Canastota out of the police justice fund.

Compensation of policemen.

Monthly payments from police justice fund.

Deficiency in fund

Traveling expenses only.

§ 25. Each of such policemen and special patrolmen shall keep a correct account of such services rendered by him as hereinbefore would have been a town or county charge, if the same had been rendered by a town constable in said village, and such accounts, duly verified and sworn to by such policemen, shall be presented by the board of police and fire commissioners at least once a year to the proper town and county auditing boards, which accounts shall be a charge against the town or county as if made by a town constable as heretofore. The amount allowed by the

Accounts of services for town and county.

Audit and payment thereof.

county auditing board and charged to the county shall be paid by the supervisors of said county to the treasurer of the village of Canastota, and the account audited and charged to the town of Lenox shall be collected as other taxes are collected, and be paid by the supervisor of said town, when collected, to the treasurer of said village, who shall place the sums received by him from the town and county to the credit of the police justice fund. Only such sum for meals for prisoners shall be allowed against the town as shall have been actually expended in furnishing such meals at the lowest attainable rate.

Allowance
against
town for
meals.

Village jail
or lockup.

Confine-
ment of
offenders.

Claims
against
town or
county
for keep-
ing
criminals.

Audit
and pay-
ment
thereof.

Rules and
regula-
tions for
lockup.

§ 26. When, by reason of any arrest being made in the night time, or for any other cause, it be not practicable to take the person so arrested before the police justice or acting police justice of said village, the person or persons so arrested may be confined in the village jail or lockup until such time as he or they can, with propriety, be taken before such police justice or acting police justice for trial or examination, and such justice or any justice of the peace of the town of Lenox may order persons charged with offenses and arrested, as aforesaid, to be confined in said jail or lockup, from time to time, as to him may seem necessary, while waiting trial or examination, or until the final termination of such cases before such police justice or justice of the peace; and the board of police and fire commissioners of said village may present to the board of town auditors or other auditing board of officers of the town of Lenox, or the board of supervisors of the county of Madison, at their annual meeting, as the case may be, their claim for the reasonable expenses of keeping any criminal in such jail or lockup who may have been ordered to be confined therein as above provided, by said police justice or any magistrate of the town of Lenox, on charge of violating any law of this State, other than offenses against the charter, by-laws and ordinances of said village; which claims so presented shall be audited and allowed by said board of town auditors or board of supervisors as a charge against said town or county, as the case may be, and the amount of the claim so presented, audited and allowed shall be paid into the treasury of said village, to the credit of the police justice fund of said village, and said board of police commissioners shall make all necessary rules and regulations for the control and maintenance and government of the said jail or lockup, shall require the chief of police

and policemen to keep and care for the same, and shall have all the necessary power to render the same effectual for the purpose intended by the establishment of said jail or lockup.

§ 27. Fire department.—The board of police and fire commissioners shall have power:

Powers as
to fire de-
partment.

1. To organize a fire department consisting of chief engineer, first and second assistant engineers, secretary, treasurer, collector and fire wardens, to be designated and appointed as hereinafter provided, and as many hook and ladder, hose and engine companies as the board of trustees may authorize, not exceeding one for each one thousand inhabitants residing in the village, and to control and manage the officers and members of such fire department, and prescribe their powers and duties.

2. To remove or demolish any building or structure which, by reason of fire or other cause, may become dangerous to life or property.

3. To make such other rules and ordinances as may be necessary and proper for the prevention and extinguishment of fires, and to enforce the same by fines and penalties.

§ 28. The president, each trustee, each police and fire commissioner and the chief engineer shall be members ex officio of the fire department, and shall have power to enter into and examine all stores, shops, factories, dwelling-houses, offices, out-houses, barns, buildings, lots and yards in the daytime; to inspect places therein where fires are used; to ascertain how ashes are kept; to direct and compel the owner or occupant to put the premises inspected in a safe condition; and in default to appoint any person to do the same at the expense of such owner or occupant.

Ex-officio
members
of depart-
ment.

Powers as
to pre-
vention of
fires.

§ 29. The chief engineer and his assistant engineers shall have the immediate control of the fire department and apparatus, subject to the regulations and requirements of the board of police and fire commissioners. It shall be the duty of the chief engineer, and, in his absence or inability, of the first assistant engineer, and in his absence or inability, of the second assistant engineer, to be present at fires within said village, to take command of the fire companies and general control of the apparatus for extinguishment and preventing such fires, and to perform such other duties and exercise such other powers as the board of police and

Chief and
assistant
engineers.

fire commissioners, in their by-laws, rules and regulations may require or confer.

Removals
for cause.

§ 30. The board of police and fire commissioners of the village at any time, upon charges being preferred, or upon finding any officer or member of the fire department guilty of misconduct, may suspend such officer or member from service for a period of not more than thirty days without notice or hearing, and after notice and hearing may, by a majority vote, remove such officer or member.

Officers
continued.

§ 31. The officers and members of the present fire department of said village shall continue to be such officers and members, subject to the provisions of this act. The name of each member of the fire department shall be registered with the village clerk within ten days after this act shall take effect, and the officers of each company shall thereafter report the name of every member received into or expelled from, or who shall have resigned from such company, with the date of such expulsion or resignation to the said clerk.

Register of
members
of depart-
ment.

Powers at
fires.

§ 32. The president of the village, the trustees, police and fire commissioners, the policemen, the chief engineer and his assistants, and each one of them, shall have power to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons to aid in the extinguishment of fires, and the preservation and protection of property exposed to danger thereat. For such purposes the chief engineer and his assistants shall have the powers conferred upon policemen by this act, and any person who shall disobey the reasonable order of any one of said officers shall incur a penalty of twenty-five dollars, to be recovered as other penalties imposed by this act.

Penalty for
refusal to
obey
orders.

Duties of
firemen.

§ 33. It shall be the duty of the members of the fire department to turn out promptly upon every alarm of fire; to aid in the extinguishment thereof as directed by the chief engineer or assistant engineers; and whenever called upon by the president, or trustees, police and fire commissioners, to aid in the suppression of riots or riotous assemblages in said village. Any member or other person who shall, during the time of any fire, neglect or refuse to obey the orders of the chief engineer, or any assistant engineer, shall incur such penalty as the by-laws or ordinances of the board of police and fire commissioners may provide, not exceeding twenty-five dollars for each offense.

Penalty
for
neglect.

§ 34. All persons who now are or hereafter shall become mem-^{Incorporation of de-}
bers of hose, hook and ladder, or engine companies, not exceed-^{partment.}
ing twenty-five members to each hose company and thirty mem-
bers to each hook and ladder or engine company of said village,
after being duly elected by their representative companies, and
confirmed by the board of police and fire commissioners of said
village, shall be and are hereby ordained, constituted and declared
to be a body corporate and politic, in fact and name, by the name
and style of "the Canastota fire department," and by that name^{Corporate}
they and their successors shall and may have perpetual succes-^{name and}
sion, and shall be persons in law capable of suing and being sued^{powers.}
in all courts and in all actions within the jurisdiction of the State
of New York, and they and their successors may have a common
seal and may change and alter the same at their pleasure, and also
they and their successors, by the name of "the Canastota fire^{Real and}
department," shall be in law capable of purchasing, holding and^{personal}
conveying any estate, real or personal, for the use of said cor-^{estate.}
poration, provided the amount of real and personal estate so held
shall exceed at any time the sum of ten thousand dollars; but^{Proviso.}
such incorporation shall not affect the relations of said fire depart-
ment, or its members, to the village of Canastota, or board of trus-
tees, or board of police and fire commissioners thereof, nor confer
on said fire department any additional rights or powers over any
real or personal property or fire apparatus owned by said village.

§ 35. The several hose, hook and ladder and engine companies^{Conven-}
constituting this corporation shall, at their regular meeting, to^{tion of fire}
be held on the first Tuesday in April, in each year, elect by ballot^{men, elec-}
three delegates from each of their respective companies, to meet^{tion of dele-}
in convention at the common council room of the department, on^{gates to.}
the Thursday following at eight o'clock in the evening, and after
choosing one of their number as chairman, and another as secre-^{Selection}
tary, shall select separately, by ballot, suitable persons, electors^{of chief}
of said village, for chief engineer, and first and second assistant^{and assist-}
engineers, and the individuals receiving the majority of votes for^{ant}
those offices shall be recommended to the board of police and fire^{engineer.}
commissioners of said village for their appointment.

§ 36. The board of police and fire commissioners of said vil-^{Appoint-}
lage, upon such recommendation, shall appoint a chief engineer^{ment of}
and two assistant engineers, who shall be electors of said village,^{chief and}
and who shall hold their offices during the pleasure of the board.^{assistant}
^{engineer.}

Powers and
duties of
chief and
assistants.

§ 37. The chief engineer, and in his absence, his assistants in their order, shall preside over all meetings of the council and of the department, both regular and special; shall have the immediate control of the department at fires, inspections and reviews; shall, under the control and supervision of the board of police and fire commissioners, have charge of the hose and engine-houses, and all apparatus intrusted to the care of or belonging to the department; shall, under like supervision and control, have authority over all employes of the department; shall hold them strictly to account for neglect of duty; shall issue through the secretary, upon application, a certificate of the time of service of any member of the department, provided such time shall have been granted by the council; and shall give to the officers of the council immediately after their election, at the annual meeting of the council, or at any special election, a certified warrant of their election, countersigned by the secretary.

Certificate
of time of
service.

Certificate
of election
of council.

Fire war-
dens.

Council.

§ 38. The different hose, hook and ladder, and engine companies shall, at the regular meeting, to be held on the first Tuesday in April of each year, elect by ballot two of their number to be known and designated as firewardens, who are electors of such village, who, with the chief engineer as president, and his assistants as vice-presidents, shall constitute a "council," and shall exercise such powers as are hereinafter committed to them from their other duties as firemen.

Organiza-
tion
thereof.

Vacancies.

§ 39. The said council shall meet on the second Tuesday in April of each year, and choose out of their own body a secretary, treasurer and collector, to hold their respective offices until others are elected in their stead, agreeably to the provisions of this act; and in case of any vacancy in the office of warden, such vacancy shall be filled by the company in which it occurs, at a special election held for that purpose; and in case of a vacancy occurring in the office of secretary, treasurer or collector, such vacancy shall be filled by the council at their next meeting.

By laws
and ordi-
nances for
corpora-
tion.

§ 40. Two-thirds of the said council shall constitute a quorum and shall have full power to make and prescribe such laws, ordinances and regulations not inconsistent with this act, the laws of the State or ordinances of such village, as shall be by them deemed necessary for the proper management of the

affairs and the disposition of the funds of the said corporation; and shall have power to appoint all meetings, both regular ^{Meetings.} and special, and, with the approval of the board of police and fire commissioners, shall also designate one day in each and every ^{Annual} year as a day of public exercise, inspection and review, and all ^{review.} such other matters as appertain to the business and purposes for which the said corporation is by this act constituted and no other.

§ 41. And in case any election shall not be held on the day ^{Failure to} when, pursuant to this act, it ought to have been held, the said ^{hold elec-} corporation shall not on that account be deemed dissolved, but it may be lawful to hold such election agreeable to the ordinances and regulations of such corporation.

§ 42. The firemen constituting the several hose, hook and lad- ^{Annual} der and engine companies of this corporation shall hold a general ^{meeting of} meeting at the council room, or such other place as the council ^{firemen.} may direct, on the first Friday following the first Tuesday of April of each and every year, at seven and one-half o'clock in the afternoon, to hear the report of the secretary and treasurer, and to transact such other business as may be deemed for the interest of this corporation.

§ 43. Each of said hose, hook and ladder and engine companies ^{Constitu-} may adopt a constitution and by-laws for the government and ^{tion} regulation of its own affairs, subject to the approval of the ^{and by-} council and the board of police and fire commissioners of the vil- ^{laws of} lage, and not inconsistent with this act, laws of this State or the ^{companies.} ordinances of said village. And when so adopted and approved, such constitution and by-laws shall be valid and enforceable against any member or officer of the company, as to all discipline, regulations, fines, penalties or forfeitures therein provided.

§ 44. A certificate signed by the chief engineer and secretary, ^{Evidence} bearing the seal of this corporation, declaring the term of ser- ^{for final} vice of a member to have been fully completed, as required by the ^{certificate} laws of this State, shall be sufficient evidence to entitle him to ^{of exemp-} the final certificate of exemption provided in the next section. ^{tion.}

§ 45. Every member of the fire department shall, so long as he ^{Exemption} shall remain such member, be exempt from serving on juries in ^{from jury} any court, and from paying any poll-tax; and every person who ^{and mili-} shall serve in such fire department for five years successively, ^{tary} including the time he shall have served continually as a fireman ^{duty and} in said village before this act shall take effect, shall thereafter be ^{poll-tax.}

entitled to a like exemption from jury duty, and a certificate of such service in the fire department, with a copy of this section, authenticated by the signature of the president and the seal of the corporation, shall be legal evidence before all courts and officers of such exemption.

§ 46. This act shall take effect immediately.

Chap. 481.

AN ACT to amend chapter five hundred and sixty-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Brooklyn Eye and Ear Hospital."

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. The first sentence of section three of chapter five hundred and sixty-seven of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the Brooklyn Eye and Ear Hospital," is hereby amended so as to read as follows:

Directors.

§ 3. The affairs of the corporation shall be conducted by a board of directors to consist of not less than eleven nor more than nineteen persons, together with the surgeons of the institution.

§ 2. This act shall take effect immediately.

Chap. 483.

AN ACT to amend chapter seven hundred and twenty-nine of the laws of eighteen hundred and sixty-eight, an act entitled "An act in relation to common schools in the city of Lockport."

Accepted by the city.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

School act amended.

Section 1. Section two of chapter seven hundred and twenty-nine of the laws of eighteen hundred and sixty-eight, entitled "An act in relation to common schools in the city of Lockport," is hereby amended to read as follows:

§ 2. For the purpose of paying the cost of such site and construction of such building, or of enlarging, repairing or improving the same, it shall be the duty of the common council of the city of Lockport to issue bonds to an amount necessary for such purpose, said amount to be certified by the board of education. Such bonds shall be the obligations of the city of Lockport, shall be signed by the mayor and clerk of said city, and countersigned by the city treasurer; they shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually; they shall be in such denominations as the common council may direct; one-quarter in amount of the bonds so provided to be issued at any one time shall be payable on the fifteenth day of November of the next calendar year after the date thereof; one-quarter thereof in amount shall be payable on the fifteenth day of November occurring one year after the first quarter becomes due as aforesaid; one-quarter thereof in amount shall be payable on the fifteenth day of November occurring two years after the first quarter becomes due as aforesaid, and one-quarter thereof in amount shall be payable on the fifteenth day of November occurring three years after the first quarter becomes due as aforesaid; said bonds shall be by their terms payable at the office of the city treasurer of said city and shall be registered by the clerk of said city, and when any such bond shall be paid the same shall be canceled by writing or printing a cancellation thereon and by a memorandum of such cancellation being made upon the book where the same is registered, and said bonds so canceled shall be preserved with the stubs from which the same were issued; the city treasurer shall negotiate said bonds for the highest sum that can be obtained therefor, not less than par, and shall take all reasonable steps, by advertising or otherwise, to obtain the best price therefor; the proceeds of said bonds shall forthwith be paid over to the treasurer of the board of education of said city for the purposes aforesaid; the treasurer of the city shall, from time to time, report the number and amounts of said bonds which shall be paid by him, and on or before the first day of August in each year shall report to the common council, the number and amount of said bonds remaining unpaid, and the amount of funds in his hands, if any, applicable thereto. It shall be the duty of the common

Issue of
bonds.When and
where pay-
able.Cancell-
ation upon
payment.Sale of
bonds.Report of
city treas-
urer.

Tax for
payment
of bonds.

council to provide by taxation in the usual manner for the payment of said bonds and for such purpose said council shall lay a tax upon the taxable property of the district or districts for which such schoolhouse is provided, enlarged or repaired, said tax to be collected at the same time and with the general tax of said city in time to meet the payment of the said bonds and may be in addition to the amounts authorized to be raised by section fifteen of an act, entitled "An act in relation to common schools in the village of Lockport," passed March thirty-first, eighteen hundred and forty-seven.

§ 2. This act shall take effect immediately.

Chap. 484.

AN ACT to amend sections one thousand six hundred and thirty-eight, one thousand six hundred and thirty-nine, one thousand six hundred and forty-one, one thousand six hundred and forty-five, one thousand six hundred and forty-six, one thousand six hundred and forty-seven, one thousand six hundred and forty-eight, one thousand six hundred and forty-nine and one thousand six hundred and fifty-one of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," relating to the selection of grand jurors.

Accepted by the city.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation
act amended.

Section 1. Section one thousand six hundred and thirty-eight of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," is amended so as to read as follows:

Grand
jurors,
board for
selection
of.

§ 1638. The persons to serve as grand jurors at the terms of the supreme court for the trial of criminal actions, and at the terms of the court of general sessions, to be held in the city of New York, shall be selected from the persons whose names are

contained in the lists of trial jurors for the time being for said city, by a board to consist of the presiding justice of the appellate division of the supreme court in the first department, the mayor of said city, an associate justice of the said appellate division of the supreme court to be designated by the resident members of such appellate division, the recorder of said city, and a judge authorized to hold courts of general sessions, who shall be designated by the city judge and the judges of the court of general sessions; the designations hereinbefore mentioned to be made by the said justices of the appellate division, and by the city judge and the judges of the court of general sessions, respectively, in writing, and filed in the office of the clerk of the city and county of New York on or before the first day of November in each and every year. If the said designations, or either of them, shall not be made and filed before the expiration of the time hereinbefore specified therefor, the same may be made and filed at the earliest convenient time thereafter, with the same force and effect as if made and filed before the expiration of the time above specified.

Designations to be filed.

§ 2. Section sixteen hundred and thirty-nine of said act is hereby amended so as to read as follows:

§ 1639. The said board shall meet at the office of the commissioner of jurors in the city of New York on the last Monday of November in every year. The presiding justice of the appellate division of the supreme court in the first department shall act as chairman; in case of the absence of said presiding justice, the members present, if a quorum, shall elect one of their number as chairman. Three members shall constitute a quorum for the transaction of business, and if a quorum be not present, the board shall adjourn from day to day until a quorum is obtained.

Annual meeting of board.

§ 3. Section one thousand six hundred and forty-one of said act is hereby amended so as to read as follows:

§ 1641. The said board shall, within fifteen days after the first meeting, select from the lists produced by the commissioner of jurors of persons qualified to serve as jurors in said city, a list of the names of not less than six hundred nor more than one thousand persons, to serve as grand jurors of the different terms of the supreme court for the trial of criminal actions and of the courts of general sessions, to be held in said city, until the next

Selection of grand jurors.

Qualifications.

list shall be prepared, and the names thereon deposited as hereinafter mentioned. The persons so selected shall be intelligent citizens, of good character, and shall be, so far as the said board may be informed, possessed of the qualifications by law required of persons to serve as jurors for the trial of issues of fact, and not exempted from serving as such jurors.

§ 4. Section one thousand six hundred and forty-five of said act is hereby amended so as to read as follows:

No person to serve unless name included on list.

§ 1645. No person shall be summoned to serve as a grand juror at any term of the supreme court for the trial of criminal actions or of the court of general sessions held in the city of New York, except his name shall be included in the list of grand jurors for the time being, selected pursuant to the foregoing sections.

§ 5. Section one thousand six hundred and forty-six of said act is hereby amended so as to read as follows:

When must be drawn.

§ 1646. A grand jury must be drawn for every term of the court of general sessions. A grand jury may be drawn for any term of the supreme court for the trial of criminal actions, upon the order of a judge of the supreme court elected in the first judicial district.

§ 6. Section one thousand six hundred and forty-seven of said act is hereby amended so as to read as follows:

Names to be returned into box.

§ 1647. The names of persons drawn as grand jurors shall, in certain cases, be returned into the box of undrawn ballots, as now provided by law, and whenever the justice holding any term of the supreme court for the trial of criminal actions, or any term of the court of general sessions, shall order the sheriff to summon additional persons to complete the grand jury for such court, the persons who shall be summoned by him shall be first drawn from the box containing the undrawn names of grand jurors, in the manner provided for the drawing of an original panel.

Drawing of additional jurors.

§ 7. Section one thousand six hundred and forty-eight of said act is hereby amended so as to read as follows:

Summoning and attendance.

§ 1648. Grand jurors shall be summoned in the same manner as petit jurors, and the fines imposed on grand jurors for non-attendance shall not be less than fifty dollars nor more than two hundred and fifty dollars, and the same shall be collected or remitted in the same manner as is provided in this act in respect to petit jurors. The ballots shall be prepared by the commissioner of jurors, and, after being carefully compared with the

Ballots.

lists regularly selected, shall be placed in the grand jury box. Unless the justice holding or appointed to hold any term of the supreme court for the trial of criminal actions, or the judge holding any term of the court of general sessions shall otherwise direct, the commissioner shall draw fifty grand jurors for each of said courts on the same day that the petit jurors, to be impaneled at the same time, shall be drawn.

Number to be drawn for each court.

§ 8. Section sixteen hundred and forty-nine of said act is hereby amended so as to read as follows:

§ 1649. At the time of drawing the names of jurors for the trial of issues of fact, at any term of the supreme court for the trial of criminal actions, and at the time of drawing such jurors for the general sessions in the city of New York, the county clerk, in the presence and with the assistance of the sheriff or under sheriff, and in the presence of one or more judges of a court of record, who shall have attended for the purpose of drawing the petit jury for such court, shall proceed and draw in and for the city of New York the names of persons, from the box in which the pieces of paper shall have been deposited for that purpose, to serve as grand jurors at such terms of the supreme court for the trial of criminal actions or of the court of general sessions, as the case may be. The judge or judges present shall certify to the drawing.

Drawing of grand jurors.

Certification.

§ 9. Section sixteen hundred and fifty-one of said act is hereby amended so as to read as follows:

§ 1651. A grand jury may be impaneled at any term of the supreme court for the trial of criminal actions, and another in the court of general sessions, and may meet at and sit during the same time, but whenever either grand jury shall present an indictment against any person for any offense, it shall not be lawful for the other grand jury sitting at the same time to hear or act upon the same matter, or make any presentation in relation thereto, so far as it shall relate to the person so presented by the other grand jury.

Grand juries in supreme court and court of general sessions.

§ 10. This act shall take effect immediately.

Chap. 486.

AN ACT to amend chapter six hundred and thirty-three of the laws of eighteen hundred and ninety-two, entitled "An act to amend chapter three hundred and seventy of the laws of eighteen hundred and seventy-three, entitled 'An act to revise and amend an act entitled 'An act to incorporate the village of Port Jervis,' and all acts relating thereto.'"

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Subdivision two of section two of chapter six hundred and thirty-three of the laws of eighteen hundred and ninety-two, entitled "An act to amend chapter three hundred and seventy of the laws of eighteen hundred and seventy-three, entitled 'An act to revise and amend an act entitled 'An act to incorporate the village of Port Jervis,' and all acts relating thereto,' is hereby amended so as to read as follows:

Election districts.

2. The election districts shall be the same, so far as they are included within the village limits, as the election districts of the town of Deerpark for general elections. The board of trustees shall appoint the polling places.

Polling places.

§ 2. Subdivision three of section two of said act is hereby amended so as to read as follows:

Inspectors of election.

3. At each annual election there shall be chosen inspectors of election for such village of such qualifications, in such number and in such manner as inspectors of election chosen at town meeting to serve at general elections.

§ 3. Subdivision four of section two of said act is hereby amended so as to read as follows:

Powers and duties of inspectors.

4. The powers, duties and liabilities of inspectors of election of said village shall be the same as those of inspectors of election of the town of Deerpark at general elections, as defined by the general election law of the State, save where the same is inconsistent with this act, and the powers, duties and liabilities of election officers appointed by the inspectors of election of the village, in pursuance of the general election law, shall be the same as

those of like officers appointed by town inspectors of election. The inspectors and clerks shall, before entering upon the performance of their duties, take the constitutional oath of office, as prescribed by law. Oath of office.

§ 4. Subdivision six of section two of said act is hereby amended so as to read as follows:

6. The general registry law shall apply to each annual election held after the passage of this act, and the boards of election inspectors are hereby constituted boards of registry, with the powers and duties created by said act. Registration of voters.

§ 5. This act shall take effect immediately.

Chap. 487.

AN ACT to authorize, legalize and confirm conveyances by "the trustees of the Reformed Protestant Dutch Church of the town of Flatbush, in Kings county," pursuant to orders of the supreme court.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All sales and conveyances made or hereafter made by the trustees of the Reformed Protestant Dutch church of the town of Flatbush, in Kings county, pursuant to any order of the supreme court of the State of New York, heretofore made and filed in the office of the clerk of the county of Kings, are hereby authorized, legalized and confirmed and shall be held to be of the same force and validity as if such conveyances and sales had been made in manner and form prescribed by law and had been duly authorized by the supreme court of the State of New York. Sale and conveyances legalized.

§ 2. This act shall take effect immediately,

Chap. 488.

AN ACT to authorize the common council of the city of Poughkeepsie to sell the property occupied and used by "Cataract Steam Fire Engine Company Number Four," of the city of Poughkeepsie.

Accepted by the city.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Poughkeepsie are hereby authorized and empowered to sell and convey that certain piece or parcel of real estate and property now occupied and used by "Cataract Steam Fire Engine Company Number Four of Poughkeepsie."

§ 2. This act shall take effect immediately.

Chap. 489.

AN ACT to enable the common council of the city of Troy to modify the plans of the public improvements commission of the city of Troy, made and established under the provisions of chapter six hundred and seventy of the laws of eighteen hundred and ninety-two upon the recommendation of the contracting board of said city.

Accepted by the city.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever in the judgment of a majority of all the members of the contracting board of the city of Troy it is advisable or necessary that the plans for public sewers in the city of Troy, made and established by the public improvements commission of said city, should be modified in some particular or particulars, and they shall certify, in writing, that fact to the common council of said city, specifying the particulars in which such plans should be changed and the reasons therefor, in such event, the said common council, in ordering any such sewer, shall be empowered to do so in accordance with such proposed modification.

Modifica-
tion of
sewer
plans.

§ 2. All acts and parts of acts, especially those parts of ^{Repeal.} chapter six hundred and seventy of the laws of eighteen hundred and ninety-two, contrary to or in conflict with this act, are hereby repealed:

§ 3. This act shall take effect immediately.

Chap. 490.

AN ACT to exempt and release the real property of the exempt firemen's association of Long Island City from taxation.

Accepted by the city.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property of which the incorporation, ^{Exemption of property from taxation.} known as "the exempt firemen's association of Long Island City," is seized in fee, and which said property is known on the assessment-maps of Long Island City as new lot thirteen, new block one hundred and nine, in the fourth ward of said city, is hereby exempted and released from the payment of all taxes and water-rates, levied and imposed thereon, and in future to be levied and imposed thereon, by said Long Island City, so long as the title to said real property remains in the said "the exempt firemen's association of Long Island City," and so long as the same shall be occupied and used as a meeting-room for the said association.

§ 2. This act shall take effect immediately.

Chap. 491.

AN ACT to change the corporate name of the Mohawk Valley Sick and Benefit Association.

BECAME a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporate name of the Mohawk Valley Sick and Benefit Association is hereby changed to the American Casualty Insurance Company of Oneonta, New York.

§ 2. This act shall take effect immediately.

Chap. 494.

AN ACT to amend chapter three hundred and six of the laws of eighteen hundred and forty-nine, entitled "An act to authorize the election of local officers to discharge the duties of county judge and surrogate in the counties of Orange, Chautauqua, Cayuga and St. Lawrence, Tioga, Oneida, Jefferson and Oswego."

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act
amended.

Section 1. Section three, of chapter three hundred and six, of the laws of eighteen hundred and forty-nine, entitled "An act to authorize the election of local officers to discharge the duties of county judge and surrogate in the counties of Orange, Chautauqua, Cayuga and Saint Lawrence, Tioga, Oneida, Jefferson, and Oswego," is hereby amended so as to read as follows:

Compensa-
tion.

§ 3. Such local officers shall receive for the services to be rendered by them under the provisions of this act, such compensation as shall be allowed to them respectively by the boards of supervisors in the said respective counties; provided, however, that when such officer acts as surrogate of any of said counties during a vacancy in the office, or in consequence of disability by reason of sickness, absence or lunacy, he must be paid for the time during which he so acts, a compensation equal, pro rata, to the salary of the surrogate; or in a county where the county judge is also surrogate, to the salary of the county judge. The amount of such compensation must be audited by the board of supervisors of said county and paid in like manner as the salary of the surrogate or of the county judge, as the case may be. All fees received by them for discharging any of the duties under this act, shall be paid to the county treasurer of their respective counties, to be applied towards the payment of county charges.

Fees pay-
able to
county
treasurer.

§ 2. This act shall take effect immediately.

Chap. 495.

AN ACT to amend the title and sections eight, nine and eleven of chapter three hundred and fifty of the laws of eighteen hundred and ninety-two, entitled "An act to provide for the acquisition of necessary sites for buildings for police purposes by the board of police of the police department of the city of New York."

Accepted by the city.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter three hundred and fifty ^{Act amended.} of the laws of eighteen hundred and ninety-two, entitled "An act to provide for the acquisition of necessary sites for buildings for police purposes by the board of police of the police department of the city of New York," is hereby amended so as to read as follows:

§ 8. At any time after the final confirmation of the report of ^{Erection of building.} the commissioners of estimate as hereinbefore mentioned, the board of police of the police department of the city of New York is hereby authorized to erect and construct, upon the consent of the commissioners of the sinking fund of the city of New York, first had and obtained, a building or buildings for police purposes upon the site or sites acquired under this act. The ^{Plans.} said board of police shall cause the preparation of plans for said building or buildings and shall submit the same for approval to the commissioners of the sinking fund of the city of New York, and upon the approval of the said commissioners of the sinking fund of said city of said plans, the said board of police shall proceed with the construction of the said building or buildings. The work of constructing the said building or build- ^{Contracts for work.} ings shall be done by contract, made at public letting, to the lowest bidder, pursuant to the general provisions of the laws and ordinances regulating the letting of contracts in the city of New York. The said board of police, with the approval of the ^{Alteration of plans.} said commissioners of the sinking fund of the city of New York, first had and obtained, is further authorized and empowered, with the consent in writing of the contractor and his sureties,

Fitting up
and
furnishing

to alter the plan of any building or buildings hereunder erected, and the terms and specifications of any contract entered into by authority of this act, provided, however, that such alteration shall, in no case, involve or require an increased expense greater than five per centum of the whole expenditure provided for in the said contract. And the said board of police is further authorized to provide for the fitting up and furnishing of any building or buildings hereunder erected, and to let at public contract to the lowest bidder the contract for the said fitting up and furnishing of said buildings, the consent of the commissioners of the sinking fund of the city of New York to the said fitting up and furnishing being first had and obtained.

§ 2. Section nine of said act is amended so as to read as follows:

Damages
and expenses
payable
out of pro-
ceeds of
bonds.

§ 9. The damages awarded and the expenses incurred in the acquisition of sites for a building or buildings for police purposes in the city of New York, under the authority of this act, including the fees of the commissioners of estimate and the compensation of their employes, and all other necessary expenses in and about such proceedings provided for in this act, all reasonable expenses incurred by the said counsel to the corporation for the proper presentation and defense of the mayor, aldermen and commonalty of the city of New York, before the commissioners hereinbefore mentioned and in court, as well as all the expenses of the erection of the building or buildings hereinbefore mentioned, including the expense of the preparation of the plans of said building or buildings, and also the expense of the fitting up and furnishing of said building or buildings, shall be paid by the comptroller of the said city of New York out of the proceeds of bonds of the said mayor, aldermen and commonalty of the city of New York, to be issued as hereinafter directed. And the comptroller of the city of New York is hereby authorized, upon the application of the board of police of the police department of the said city, and upon the approval of a majority of the board of estimate and apportionment of said city, to issue bonds in the name of and on behalf of the mayor, aldermen and commonalty of the city of New York, to be known as police department bonds, for an amount sufficient to pay the damages, costs, charges and reasonable expenses as enumerated in this section.

Issue of
bonds.

§ 3. Section eleven of said act is hereby amended so as to read as follows:

§ 11. The said bonds, the issue of which is herein directed, shall run for such term or terms of years as the said comptroller shall direct, but no longer than fifty years, and shall draw interest at not more than four per centum per annum ^{Term and interest of bonds.}

§ 4. The title of said act is hereby amended so as to read as follows: "An act to provide for the acquisition of the necessary sites for, and the erection, fitting up and furnishing of, buildings for police purposes by the board of police of the police department of the city of New York." ^{Title to act amended.}

§ 5. This act shall take effect immediately.

Chap. 496.

AN ACT to amend chapter eighty-four of the laws of eighteen hundred and eighty-six, entitled "An act to incorporate the city of Jamestown," and the several acts amendatory thereof.

Accepted by the city.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of title one of chapter eighty-four of the laws of eighteen hundred and eighty-six. Is amended to read as follows: ^{Charter amended.}

§ 4. The city shall be divided into six wards, as follows:

First ward.—Embracing all territory in said city lying within the following described limits: Beginning at a point in the center of the highways known as Main and Second streets, and running thence easterly along the center of Second street to the center of Winsor street; thence northwesterly along the center of Winsor street to the center of Lake View avenue; thence northerly along the center of Lake View avenue to the north boundary of the city; thence westerly along the city line to the center of Main street; and thence southerly along the center of Main street to the place of beginning.

Second ward.—Embracing all territory in said city lying west of the center of Main street and north of the center of the outlet of Chautauqua lake. ^{Second ward.}

Third
ward.

Third ward.—Embracing all territory in said city lying south of the center of the New York, Pennsylvania and Ohio Railway Company's tracks; west of the center of Footes avenue; east of the center of Forest avenue, the westerly line of Brooklyn square and the westerly line of Main street.

Fourth
ward.

Fourth ward.—Embracing all territory in said city south of the center of the tracks of the New York, Pennsylvania and Ohio Railway Company's tracks and east of the center of Footes avenue.

Fifth ward.

Fifth ward.—Embracing all territory lying north of the center of the tracks of the New York, Pennsylvania and Ohio Railway Company, and east of the line commencing in the center of Main street at a point where the Main street crosses the center of the tracks of the New York, Pennsylvania and Ohio Railway Company, and running thence north along the center of Main street to the center of Second street; thence easterly along the center of Second street to the center of Winsor street; thence northwesterly along the center of Winsor street to the center of Lake View avenue; thence north along the center of Lake View avenue to the city line.

Sixth ward.

Sixth ward.—Embracing all that territory in said city lying and situate south of the outlet of Chautauqua lake and west of the center of Forest avenue, the westerly line of Brooklyn square and the westerly line of Main street. Each alderman of

Term of
present
aldermen.

such city in office when this amendment takes effect shall continue in office and represent the ward for which he was elected until the first annual city election thereafter, and, unless by reason of the subdivision of the city into wards hereby, he no longer resides in the ward for which he was elected, until

Election of
aldermen.

the expiration of his term. At the first annual city election after this amendment takes effect, there shall be elected from the wards of such city such number of aldermen and for such terms, that with the aldermen elected and those in office, there will be two aldermen for each ward, one to hold office for one year and one for two years; and annually thereafter there shall be elected one alderman from each ward for the term of two years. Within ten days after this amendment takes effect, the common council of the city of Jamestown shall divide the sixth ward into election districts and designate the places of registry and for holding elections therein; and shall publish

Election
districts
and polling
places in
sixth ward.

a notice of such division in two daily newspapers published in such city. Within ten days after such publication, the chairman and secretary of the general city committee of each of the several political parties in such city may make and file with the said mayor, a list of persons qualified to be inspectors, poll clerks and ballot clerks in such districts, and within fifteen days after such publication, the mayor shall appoint inspectors, ballot clerks and poll clerks for such districts to act at the special election provided for by this section. Such persons shall possess the qualifications, and be appointed in the manner, as near as may be, provided by section eleven of the election law. The mayor of such city shall forthwith call a special election to be held in the sixth ward of such city within sixty days after this amendment takes effect, at which there shall be elected one alderman for such ward to hold office until the first Tuesday of April, eighteen hundred and ninety-six, and one alderman to hold office until the first Tuesday in April, eighteen hundred and ninety-seven.

Inspectors of election and ballot clerks.

Special election in sixth ward.

§ 2. Section one of title two of said act, as amended by chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

§ 1. The officers of said city shall be a mayor, treasurer, clerk, overseer of the poor, police justice, four justices of the peace, three assessors, three commissioners of excise, one sealer of weights and measures, four constables, and one game constable, who shall be elected by the city at large. Two aldermen are to be elected in each ward. There shall also be elected, in said city, two supervisors, one of whom shall be elected from the first, second and fifth wards hereinbefore described, and the other of whom shall be elected from the third, fourth and sixth wards hereinbefore described. The mayor shall nominate, and the common council shall confirm a treasurer, city engineer, city attorney, street commissioner, fire warden, pound master, chief of police, and a sufficient number of policemen and special policemen to properly protect the city. Also there shall be in said city a board of public works, consisting of three members who shall be nominated by the mayor and confirmed by the common council. In case the common council neglect or refuse to confirm any nomination made by the mayor at the meeting at which it is made or at the next regular meet-

Elective city and ward officers.

Appointive officers.

Failure to confirm nomination of mayor.

ing, he shall, at the next regular meeting succeeding such final neglect or refusal to confirm, name and nominate some other person and shall continue so to do, from time to time, until his nomination last named shall be confirmed. Every appointive and elective officer of said city shall hold his office although his term, as prescribed by this act, shall have expired, until his successor shall be elected or appointed and shall have qualified.

Holding
over of
officer.

Removal of
officers.

Any appointive officer may be removed upon recommendation of the mayor, provided a majority of the members of the common council, in office, shall concur. The common council may, by a majority vote of all of its members in office, upon its own motion, remove any appointive officer. Any such removal may be made without notice of hearing. The compensation of the members of the board of public works or of any one of them shall be fixed, altered or discontinued by the common council, from time to time, as it shall deem the best interests of the city require, and the officers of such city whose terms, in pursuance of the law under which they were chosen, would expire on the first Tuesday of May, shall expire on the first Tuesday of the preceding April.

Pay of
members of
board of
public
works.

Expiration
of terms of
present
officers.

§ 3. Section five of title two of said act is hereby amended to read as follows:

City
election.

§ 5. An election of all elective officers under this act shall be held on the first Tuesday of April in each year hereafter.

§ 4. Section six of title two of said act is hereby amended to read as follows:

Notices of
election.

§ 6. The common council shall make public every subsequent election under this act by publishing in the official paper a notice thereof stating the officers to be elected and those whose terms of office expire for ten days immediately preceding the time of holding the same.

§ 5. Section one of title three of said act, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, is hereby amended to read as follows:

Common
council.

§ 1. The common council shall be composed of the said aldermen of said city. The said common council, upon its first meeting after this act takes effect, and annually thereafter upon its first meeting after the annual city election shall, after its organization, elect one of its members president of the common council, who shall preside at all the meetings

President.
election of.

of said common council and be entitled to vote upon all questions before said body. Such election shall be by the calling of the roll and the aldermen rising in their place and naming their choice; and the alderman receiving a majority of all the members of the common council in office shall thereupon be duly elected as such president. In case an election of a president is not had at the first meeting of the common council in each year, then said common council shall continue to vote upon the election of president at each subsequent regular meeting until an election shall be had, and, in the meantime, said common council may select, by resolution, one of its members to act as temporary president or chairman of its meeting, who shall have the right to vote upon all questions before said body. The president elected by said common council shall hold his term of office until the organization of the common council next succeeding his election. Said president may call any one of the aldermen to the chair to preside over any meeting of said common council temporarily in case he desires to leave his place for the purpose of making a motion or other purpose. In the absence of the president or his failure to preside, said common council may, from time to time, as necessity requires select one of its members to act as such president. The president shall appoint and name the standing committees of the common council.

Temporary
president
or chairman.

Term of
president.

Powers and
duties.

§ 6. Section two of title four of said act, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, is hereby amended to read as follows:

§ 2. It shall be the duty of every alderman to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the president of the common council or common council; to cause the arrests of all persons violating the laws of this State or the ordinance, by-laws or police regulations of the city; to report to the mayor or common council all subordinate officers who are guilty of official misconduct or neglect of duty; and to perform or assist in performing all such duties as are enjoined upon the aldermen of said city separately, or upon the common council thereof. The aldermen of each ward shall be fence viewers, and shall possess the powers and authority and receive the fees conferred upon ~~on~~ allowed by the law to town fence viewers.

Aldermen,
their
powers and
duties.

§ 7. Section seven of title four of said act, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, is hereby amended to read as follows:

Treasurer,
his duties.

Books of
account.

Deposits of
moneys in
banks.

Disburse-
ments of
moneys.

Collection
of taxes
and assess-
ments.

§ 7. The treasurer shall receive, keep safely and disburse all moneys belonging to the city. He shall also be the custodian of all securities, obligations and other evidences of debt belonging to the city. Suitable books shall be provided by the city for his use, in which he shall enter daily all his receipts and payments, in such manner as to exhibit the several amounts paid to or by him under each class of purposes for which money shall be raised by tax in said city, with the name of each person by, to or for whom and on what account the same shall have been paid. He shall deposit daily in the banks and trust companies of the city which shall have given bonds to the city as hereinafter provided, in amounts as nearly equal as practicable, taking into consideration the penal sum of the bond given by the bank or trust company, all moneys received by him belonging to the city. Such deposit, however, shall be made only in such banks as shall have given a bond to the city of Jamestown, with two or more sureties, to be approved as to form and conditions thereof and sufficiency of sureties by the common council, for the payment of all moneys directed by any warrant ordered drawn by the common council against any fund, when directed by the indorsement of the treasurer upon such warrant. Such bond of said bank or trust company shall also be conditioned for the payment of all moneys received by it to such person or persons as the common council may direct or ordinance prescribe. The common council shall, by resolution, to be recorded in its minutes, authorize the payment of all moneys to be paid out of the treasury, belonging to the city and no such money shall be paid out of the treasury except in pursuance of a resolution of the common council authorizing the same, and upon warrant signed by the mayor and countersigned by the clerk, which warrant shall be numbered and shall specify for what purpose the amount stated therein is to be paid and to what fund it is chargeable. It shall be his duty personally to collect and receive at his office, all taxes and assessments laid upon said city or upon any portion thereof, and upon said union free school district of the city of Jamestown, and to retain there and not elsewhere possession of all warrants and assessment rolls which

may from time to time be delivered to him for collection. He shall, at least ten days prior to the annual election in each year, and at such other times as the common council may require, present to it and file with the clerk a detailed written statement of all his receipts and payments of moneys belonging to the city since the date of his last annual report and of the financial condition of the treasury, which statement shall contain the number of each warrant upon which and the name of each person to or for whom a payment shall have been made by him and the purpose of each payment. The common council shall cause a summary of every such annual report to be published in the official paper. He shall settle annually with the treasurer of Chautauqua county for all State and county taxes received by him, in the manner and within the time required by law of town collectors. He shall have his office in such convenient place in said city as he may designate, subject to the approval of the common council. He shall keep his office open and attend at the same on such days and during such hours as the common council may from time to time direct. It shall be the duty of the common council, not more than ten days before the annual election in each year, to audit the treasurer's accounts and to settle with him for all moneys received by him during the preceding year belonging to the city. All fees and interest moneys received by the treasurer of the city of Jamestown, on account of collections made by virtue of any tax warrant or otherwise, shall be paid by him into the general fund of the city. He shall receive an annual salary of twelve hundred dollars in full for his services under this act, to be paid to him in quarterly installments.

Annual financial statement.

Accounting with county treasurer.

Office and business hours.

Audit of treasurer's accounts.

Collection fees.

Salary.

§ 8 Section fifteen of title four of said act, is hereby amended to read as follows:

§ 15. The overseer of the poor elected or appointed under this act shall exercise the same powers and discharge the same duties in and for said city as overseers of the poor of towns in Chautauqua county, except that in giving local relief to the poor of said city and in the expenditure of all moneys for such purposes he shall be subject to the control of the common council of said city as it may by ordinance or resolution prescribe, and the overseer of the poor in making all purchases for the local relief of the poor of said city shall also be subject to the control of said com-

Overseer of poor, his powers and duties.

Accounts
and expen-
ditures.

mon council by resolution or ordinance and its approval. All of his accounts and expenditures and purchase for such local relief shall be by him presented to the common council by a written report duly verified. All other claims and accounts presented against said city by any person for poor relief shall be duly verified, and by said common council acted upon as other bills and claims against said city as provided by section seven of title three, and if approved the same shall be paid by warrants signed by the mayor and clerk upon the treasurer and against the poor fund. The common council of said city may, from time to time, employ such person or persons as it may deem necessary and proper in the interest of the city to examine into the relief of the poor and to assist in determining what person or persons shall be recipients of relief and to fix the compensation of such person so employed and pay the expense thereof from the poor fund. The overseer of the poor of said city shall receive an annual salary of six hundred dollars, to be paid monthly from the poor fund. Any fraud practised, or false representation made by an applicant for city aid or relief, or by any other person, to procure aid or relief to be given, or to procure any order for outdoor aid to be accepted or filled, or to be paid by the city, or any willful act of any city officer or other person, designed to impede or in any way to interfere with the just and proper administration of this department, shall be a misdemeanor.

Salary.

Frauds,
etc., in
relief of
poor a mis-
demeanor.

§ 9. Section four of title five of said act, is hereby amended to read as follows:

Bridge
fund.

§ 4. 1. The common council shall also have the power to raise by tax, in each year, such sum as may be necessary, not exceeding five thousand dollars, to be known as a bridge fund, and used and expended as may be necessary in the erection and repairing of bridges in said city, and for no other purpose.

Lighting
fund.

2. The common council shall also have the power to raise by tax in each year such sum as may be necessary, not exceeding one-third of one per centum to be used and expended as may be necessary for the operating and running and continuing in repair the municipal lighting plant owned by said city, as well as any and all additions which may hereafter be made thereto, to be known as a lighting fund.

Poor fund.

3. The moneys collected and received by the excise commissioners of said city for the granting of licenses for the sale of

intoxicating liquors, shall be paid by them upon receipt thereof to the treasurer of the city of Jamestown, to be by him placed into a fund to be known as the poor fund, and to be used for defraying the expense of local relief to the poor of the city, and the common council shall transfer from the general fund to the poor fund the moneys received for granting licenses in pursuance of the excise law for the year eighteen hundred and ninety-five. The common council shall have the power, and it shall be their duty, to raise by tax, in each year, such further sum as may, in its opinion, be necessary, in addition to the moneys collected, received and paid by the excise commissioners into the poor fund, to defray the expense for the local relief of the poor of said city by the overseer of the poor and for no other purpose.

§ 10. Section five of title five of said act, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, is hereby amended to read as follows:

§ 5. The common council shall also have the power to raise by tax in each year such further sum as shall have been voted by a majority of the taxpayers of said city entitled to vote and voting on a proposition to raise the same at an annual or special meeting called for that purpose, to be used for general purposes, streets or bridges, in the discretion of the common council. The vote of such proposition shall be taken by ballot, which shall be indorsed "tax" and shall contain the words "for the tax" or "against the tax." Every resident of said city, of the age of twenty-one years or upwards, whose name shall be on the assessment-roll made by the assessors of said city next preceding said election, as owner, executor, administrator or guardian and upon whose property, or upon whom as the owner or possessor of property, a tax shall have been assessed or imposed in and by said roll, and no other person shall be entitled to vote at such meeting. Nothing herein contained shall be construed to allow any person to vote at any such election or meeting by reason of his being assessed for and paying a dog tax alone. The clerk shall give at least ten days notice of any such election or meeting by publishing such notice in the official paper, and posting such notice in at least one public place in each ward or election district, which notice shall state distinctly the object or objects of such election or meeting. All provisions of this act in any way applicable to the annual elec-

Tax
sums voted
at tax
meetings.

Vote on
propo-
sition.

Qualifica-
tions of
voters.

Notice of
tax meet-
ings.

Provisions
applica-
ble.

List of tax-
payers
for use of
inspectors.

tions in said city, or to the ascertainment of the results thereof, shall be applicable as far as may be to said tax elections or meetings and to the ascertainment of the results thereof. The clerk shall furnish to the inspectors in each election district, for use at each tax election or meeting, a certified copy, of all the names of all such taxpayers appearing upon said last assessment-roll.

Repeal.

§ 11. Section six of title five of said act, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, is hereby repealed.

§ 12. Section nine of title five of said act is hereby amended to read as follows:

Transfer of
balances.

§ 9. The common council may, by a two-thirds vote of all its members at its regular meeting prior to the annual election of each year, authorize the treasurer to transfer any unexpended balance or portion of the street fund, general fund or lighting fund, or either of said funds, to either or any two of said funds, giving said common council the power and authority to put into either of said funds any balance or portion remaining in either of said three funds, or part into one fund and part into another of said funds.

§ 13. Section fourteen of title six of said act, as amended by chapter two hundred and fifty-two of the laws of eighteen hundred and eighty-eight, is hereby amended to read as follows:

Sidewalk
improvements,
powers of
council as
to.

§ 14. The common council shall have the power to require sidewalks to be constructed, made, paved, curbed, relaid and repaired by the owners of land adjoining said sidewalk or proposed sidewalk, and to require such improvement, act or thing to be done at such time and with such materials as it may prescribe, upon such notice as the said common council shall from time to time

May cause
work done.

deem proper. The common council may at any time, instead of making such requirement of the owners, or in default of the owners, after notice of such requirement has been given, cause such improvement, act or thing to be made or done at an expense not exceeding the regular price of labor and material for such proposed improvement, and may assess and levy from time to time and collect such expense heretofore or hereafter lawfully incurred, forthwith from such owner or owners, and the lands adjoining such sidewalk or improvement

Assess-
ment and
collection
of ex-
penses.

as a tax, and such tax, cost and expense shall be and continue to be a lien from the time of such levy and assessment upon the lands adjoining such sidewalk or improvement made or repaired with percentages added until paid. Whenever any such assessment and levy shall be received by the treasurer from the common council, he shall forthwith notify by mail the person or persons against whom such assessment and levy is made, and the amount of tax levied and for what purpose, and that the same will be received by him at his office for thirty days, with one per centum fees added thereto. If the post-office addresses are unknown to the city treasurer, such notice shall be addressed to the owner at Jamestown, New York. If such tax shall not be paid at the end of thirty days the treasurer shall forthwith issue a warrant under his hand and the seal of the city, directed to any constable of said city, for the collection thereof, to make such collection by a sale of the goods and chattels of the persons against whom said tax is levied and assessed, with five per centum added, together with the fees allowed to constables upon an execution. Said warrant shall be made returnable within thirty days from the date of the receipt thereof by the constable. In case such tax is not collected by said warrant, then and in that case the said treasurer shall certify all such unpaid taxes for such improvements to the common council, which, with ten per centum added, it shall, in its next annual levy and assessment, include against such owner and said lands, and the same shall thereafter be treated in all respects as to the collection thereof as every annual tax.

Warrant
for collec-
tion by sale
goods, etc.

Process-
ings when
not collec-
ted by war-
rant,

§ 14. Section twenty of title seven of chapter eighty-four of the laws of eighteen hundred and eighty-six, as amended by chapter one hundred and thirty-four of the laws of eighteen hundred and ninety, and further amended by chapter one hundred and twenty-one of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

§ 20. No street, alley or highway in said city shall hereafter be paved, except upon a written petition to the common council of said city, signed by a majority of the residents of said city owning land abutting upon the street, alley or way or portion thereof proposed to be paved, and owning a majority of the number of lineal feet upon the street, alley or way or portion thereof proposed to be paved. Upon the presentation of such

Petition
for paving
streets.

Contracts for paving a petition to the common council, it shall proceed to consider the same, and if by resolution it shall determine to grant such petition, the same shall be referred to the board of public works of said city who shall report to the common council at their earliest convenience the kind of paving to be used and the manner of construction. The board of public works shall, upon the approval of the common council of their report thereon, enter into a contract in the name of the city, to be first approved by the common council, for the construction of such paving so petitioned to be done, but said board must, before making such a contract, advertise for bids for constructing the same, if the estimated expense thereof shall exceed five hundred dollars.

Cost, how borne. The cost of constructing such pavement shall be borne as follows: The city, at large, shall pay the cost of paving the street intersections less the amount thereof any street or surface railroad shall by law be compelled to pay, and for that purpose when the cost thereof in any one year does not exceed five thousand dollars, the common council may, in its discretion, levy and assess the same or any part thereof against the taxable property and inhabitants of said city, and collect and enforce such tax as other taxes are collected. And said common council may issue the bond or bonds of the city, from time to time, and in such amounts as shall be necessary to pay the cost of paving such intersection, less the amount thereof levied in the annual tax and less the amount thereof any street or surface railroad shall by law be compelled to pay, to be sold at not less than par, which bonds shall be made payable not more than ten years from date of issue, bearing interest at the rate of not more than four per centum per annum, payable semi-annually, to be signed by the mayor of the city, attested by its clerk and countersigned by its board of public works, or a majority of them, countersigned by the treasurer of said city and sealed with the seal of the city; and every such bond so issued shall be a legal and valid obligation of the city of Jamestown. The balance of the cost of construction of such paving less the amount provided by law for any street or surface railroad to pay which may run through or along any street paved, shall be paid by the real estate abutting upon the street or portion thereof paved, and the owner or owners thereof according to feet frontage, the property on each side paying one-half thereof.

Issue of bonds for city's share.

Balance payable by owners.

The amount which each piece of property abutting upon the street or way or portion thereof paved the owner or owners thereof shall pay, shall be determined in accordance with this act by the board of public works, approved by the common council, by the certificate of said board in writing, to be filed, after being first approved by the common council, with the city clerk and the city treasurer. Within sixty days after the filing of the said certificate, and its approval by the common council, each person who is adjudged thereby to pay a certain amount for such paving may pay the whole or any part thereof within said number of days. The balance thereof shall be due and payable from each person owning land abutting upon a street or way paved in five equal annual installments, bearing interest at the rate of six per centum per annum, and the same shall be a valid existing lien against the land upon which it is charged where such paving is done. The common council shall have the power, and it shall be their duty to annually thereafter, at the time of levying the annual taxes in and for said city, to levy the installment and interest due and payable that year as charged against such land and the owner thereof, and the same shall be collected and enforced as other taxes are collected and enforced in said city. Nothing in this section shall be construed to invalidate, nor interfere with any proceedings taken by and on behalf of said city to pave any street or streets or portion thereof. And the common council shall have the power to issue the certificate or certificates of indebtedness of the city in such sums as may be necessary to pay that portion of the cost of paving which the abutting property is to pay, bearing interest at the rate of not more than five per centum per annum, payable not more than five years from date of issue, and to be sold at not less than par. The moneys assessed and collected for installments and interest charged against the abutting property and the owner thereof, shall be used in paying said certificates of indebtedness and for no other purpose.

Amount,
how de-
termined.

Payment of
assess-
ments.

Levy and
collection
by in-
stallments.

Validity
of proceed-
ings.

Issue of
certificates
of indebted-
ness.

Payment
thereof.

§ 15. This act shall take effect June first, eighteen hundred and ninety-five, except section thirteen thereof, which shall take effect immediately.

Act, when
takes
effect.

Chap. 498.

AN ACT to provide for the construction of fish-slides or fish-ways through private dams in the counties of Saint Lawrence and Franklin.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Construction of fishways through private dams.

Section 1. All and every person or persons owning or holding any mill dam or dams except in the Oswegatchie river in and above the natural dam at Gouverneur in Saint Lawrence county, upon any river located in Saint Lawrence or Franklin counties shall construct in, or connect with, every such dam or dams, a slide, apron, waste-gate or other passage, sufficient to admit of all such fish as usually enter the mouth of such river, in the spring of the year, to pass by, through or over the said dam or dams; which said slide, apron, waste-gate or other passage, shall be kept constantly open and unobstructed from the time said river or stream shall be cleared of ice in the spring, until the first day of June in each year, provided, that the keeping open such slide, apron, waste-gate or other passage shall not cause a want of water for the use of any mills or machinery connected with, or depending upon any such dam or dams.

Penalty for neglect.

§ 2. Any and every person or persons, who now own or hold, or hereafter becomes the owner or holder, of any such dam or dams and who shall, after January first, eighteen hundred and ninety-six, neglect or refuse to supply such dam or dams with sufficient slide, apron, waste-gate or other passage, for the passage of fish, by, through or over the said dam or dams, or to keep said slide, apron, waste-gate or other passage open and unobstructed, shall be liable to a penalty of five dollars for every day he so neglects or refuses.

Game law applicable.

§ 3. All the provisions of the fish and game law, not inconsistent herewith, shall apply hereto.

§ 4. This act shall take effect immediately.

Chap. 500.

AN ACT to provide for the erection of a new school district in the towns of Rye and Harrison in the county of Westchester.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The school commissioners of the first and second districts of Westchester county be and they hereby are authorized and empowered to erect and create a new school district, to be designated as joint district number six in the towns of Rye and Harrison, and to be composed of territory taken from school districts numbers one and two in Rye and numbers three and four in Harrison. Erection of new school district.

§ 2. Such district, when created, shall have all the powers and privileges and be subject to all the duties appertaining to school districts under the laws of this State. Powers and privileges.

§ 3. Such new district shall, at a meeting of the electors thereof, assume, from and after the date of its creation, the payment of such proportion of the principal and interest of all outstanding bonded indebtedness now a lien upon said district number one in the town of Rye as the present assessed value of the taxable property taken from said last-named school district bears to the whole amount of the present assessed value of the taxable property heretofore within the said district number one in the town of Rye; and the power and authority hereby conferred upon said school commissioners are conditioned upon such assumption of such proportion of such bonded indebtedness. Assumption of bonded indebtedness.

§ 4. This act shall take effect immediately.

Chap. 502.

[AN ACT to amend chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company."

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Act amended.

Section 1. Section nine of chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-two, entitled "An act to authorize the construction of a bridge across the Hudson river at the city of Albany, and to incorporate the Albany and Greenbush Bridge Company," is hereby amended so as to read as follows:

Tolls and charges.

§ 9. After the said bridge shall have been completed, such tolls and charges may be collected by the said corporation for crossing the same on foot and with wagon, cars and carriages of any kind, and with horses or other animals, or otherwise, as the directors may from time to time establish; but such tolls and charges shall in no case exceed those charged on the first day of November, eighteen hundred and seventy-one, by the Rensselaer and Saratoga Railroad Company for crossing its bridge across the Hudson river and Mohawk river to West Troy, or those charged at that time by the ferry company on its boats running between Albany and Greenbush.

Penalty for forcing passage, etc.

If any person shall force or attempt to force a passage upon or over said bridge without having paid the established toll, such person shall be guilty of a misdemeanor and shall forfeit and pay to the said corporation hereby created five times the legal toll, to be recovered in any action brought in the name of the corporation hereby created, with costs of suit.

§ 2. This act shall take effect immediately.

Chap. 505.

AN ACT for the relief of the Hebrew Benevolent Orphan Asylum Society of the city of New York, and to authorize the sale of lands in the city of New York, heretofore conditionally conveyed to the said Hebrew Benevolent Orphan Asylum Society by the mayor, aldermen and commonalty of the city of New York.

Accepted by the city.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mayor, aldermen and commonalty of the city of New York, may modify, alter or qualify any grant of conveyance heretofore made by them to the Hebrew Benevolent Orphan Asylum Society of the city of New York, so as to permit or authorize the said society to sell and convey in fee simple absolute, the whole or any part of the premises conveyed to said society by the mayor, aldermen and commonalty of the city of New York; and said society shall thereupon devote the proceeds of such sale to the maintenance and support of such society, and to the orphans, half orphans and indigent children under its charge.

Modification of conveyance by city to society.

§ 2. This act shall take effect immediately.

Chap. 506.

AN ACT to authorize the board of education of the union free school district of the city of Jamestown to construct additional school buildings, to procure school sites in said district and to provide the moneys for paying for the same.

Accepted by the city.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of education of the union free school district of the city of Jamestown is hereby authorized and empowered to erect four school buildings in said district, to wit:

Erection of school buildings.

One upon the high school lot, one in branch district number three, so called; one in branch district number seven, so called, and one in branch district number eight, so called, in said district; also to procure by purchase or condemnation a site in said branch district number seven, and additional land for sites in branch districts numbers three and eight; to properly equip and furnish said school buildings for use; to grade and improve said sites and to construct in the present high school building a new ventilating and sanitary system.

Acquisition
and im-
prov-ment
of site.

Issue and
sale of
bonds.

§ 2. For the purpose of meeting the expense incurred under the provisions of section one of this act, the said board of education is hereby authorized and empowered to borrow such sum or sums as may be necessary therefor, not exceeding, however, the maximum amount of eighty-three thousand dollars. The payment of the sum or sums so borrowed shall be secured by the issuing of the bonds of said school district, to be signed by the president and clerk of said board of education, and under the seal of said board. The said bonds shall be of such form and of such denominations as the board of education shall determine, and shall be payable twenty years from their date and shall bear interest at such rate as the board shall determine to be for the best interest of the district.

Annual tax
for pay-
ment of
bonds.

§ 3. The bonds authorized by the second section of this act shall be a charge upon the entire taxable property of the said school district, and shall be issued at such time or times as said board of education shall determine to be necessary. For the purpose of paying the said bonds the said board of education shall annually levy upon and collect from the taxable property of said school district an amount equal to the one-twentieth part of the principal sum of the bonds authorized; provided, however, that in case the said board shall not find it necessary to issue the maximum amount of bonds authorized, it shall levy each year after the first, such proportional part only as may be necessary to provide for the payment of the full amount issued at their maturity. All sums so levied and collected shall be by the said board of education from time to time invested for the purpose of creating a sinking fund with which to meet and pay the bonds hereby authorized at maturity, and the said board of education is hereby invested with the full control and management of said sinking fund and all moneys constituting a part thereof.

Sinking
fund.

§ 4. The said board of education shall annually levy upon and collect from the taxable property of said school district such an amount as shall be sufficient to pay the interest upon said bonds during such year. The amount so to be levied shall be the sum necessary to pay said interest after deducting from the total accruing interest the interest which shall be realized during such year from the sinking fund herein provided for.

Annual tax
for
interest.

§ 5. This act shall take effect immediately.

Chap. 517.

AN ACT to enable the board of trustees of the village of Whitestone, Queens county, New York, to issue bonds to meet the principal, interest and expenses as they mature, become due and accrue, on sewer bonds already issued pursuant to chapter five hundred and ninety-three of the laws of eighteen hundred and ninety-three.

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Whitestone are hereby authorized to issue bonds under the seal of said village, signed by its president and clerk, to an amount necessary, from time to time, to meet the payments of the sewer bonds already issued for the improvement and scwering of certain streets and avenues in said village, or to take up or pay any or all of the bonds of said village heretofore issued for that purpose and unpaid, and such as may be due and payable, or hereafter become due and payable, with the interest thereon. Such bonds so to be issued shall be denominated "sewer extension bonds," and shall be issued and disposed of in the same manner as provided for the issuing and disposing of the sewer bonds, but including and omitting the option clause permitting the trustees to redeem at their pleasure, and shall mature and become payable in not more than twelve years from the date of the first series of the sewer bonds, which these bonds are designed to meet, pay

Issue and
sale of
bonds.

or extend, with interest not to exceed six per centum per annum. Such bonds shall not be sold or disposed of for less than par, and the proceeds of the sale thereof shall be kept in a separate fund for and applied to no other purpose than the payment of the principal and interest of said sewer bonds already issued as aforesaid.

Proceeds of sale.

Apportionment of unpaid assessments.

§ 2. Upon the maturity of the last bond of each separate series issued under this act, the trustees shall carefully compute the amount of assessment or assessments unpaid, if any, together with the interest and expenses accrued thereon, as it shall appear by the return of the warrant in the collector's hands, or data in the possession of the trustees, treasurer and village clerk, and shall justly apportion the amount so computed and found to be due upon the different parcels heretofore assessed for such improvement, and shall give fourteen days' notice of such apportionment made by them, by publication thereof in all the newspapers published in said village, which notice shall also state that the board of trustees will, and it shall be their duty immediately thereafter, to sit on a certain day or days, as may be, between the hours specified in such notice, to hear objections, remonstrances and grievances of parties claiming interest in said apportionment, and it shall be the duty of said trustees, or a majority of them, to correct, alter, revise or affirm the same as shall seem to them equitable and just. Within sixty days thereafter the trustees shall bring suit against the property so delinquent for the amount so computed and claimed to be due for the recovery of the same, in the same manner as now prescribed by law for the recovery of a just debt, and, upon obtaining judgment in favor of the village, they shall proceed to levy upon and sell the delinquent property as now provided by law in and under an execution against a judgment debtor.

Notice thereof.

Hearing of objections.

Recovery by action.

Repeal.

§ 3. All acts or parts of acts opposed to or inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 519.

AN ACT to amend chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants."

BECAME a law May 2, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," is hereby amended so as to read as follows: Act amended.

§ 4. The said board upon its own motion may proceed, from time to time, to consider and determine whether it is for the interest of the public and of the city in which it is appointed, that a rapid transit railway or railways for the conveyance and transportation of persons and property should be established therein, and upon the request in writing of the local authorities of any such city at any time, the said board shall proceed forthwith to consider and determine the same questions, and in each case the said board shall conduct such an inquest and investigation as may be deemed necessary in the premises. If, after such consideration and inquest, the said board shall determine that a rapid transit railway or railways, in addition to any already existing, are necessary for the interest of the public, and such city, it shall proceed to determine and establish the route or routes thereof and the general plan of construction. Such general plan shall show the general mode of operation and contain such details as to manner of construction as may be necessary, to show the extent to which any street, avenue or other public place is to be encroached upon and the property abutting thereon affected, and the concurrent votes of at least six members of the board shall be necessary for the purpose of determining and establishing such route or routes and plan of construction. The said board, from time to time, may locate the route or routes of such railway or railways over, under, upon, through and across any streets, avenues and lands within such city, including blocks between streets or avenues or, partly over, under, upon, through and across any streets, avenues and lands within such

Board to determine necessity of railways.
Estab-
lishment of routes.
General plan of construction.
Location of routes.

Proviso as
to consent
of property
holders.

Parks and
certain
streets
excepted.

Tunnels
under
parks and
crossing
streets.

city and partly through blocks between streets or avenues; provided that the consent of the owners of one-half in value of the property bounded on and the consent also of the local authorities having control of that portion of a street or highway, upon which it is proposed to construct or operate such railway or railways be first obtained, or in case the consent of such property-owners can not be obtained, that the determination of three commissioners appointed by the general term of the supreme court in the district of the proposed construction, given after due hearing of all parties interested, and confirmed by the court, that such railway or railways ought to be constructed or operated, be taken in lieu of the consent of such property-owners; except that no public park nor any lands or places, lawfully set apart for, or occupied by, any public building of any city or county, or of the State of New York, or of the United States, nor those portions of Grand, Classon, Franklin avenues and Downing street in the city of Brooklyn, lying between the southerly line of Lexington avenue and northerly line of Atlantic avenue, nor that portion of Classon avenue in said city lying between the northerly line of Lexington avenue and southerly line of Park avenue, nor that portion of Washington avenue in said city lying between Park and Atlantic avenues, nor DeBevoise place, Irving place and Leffert's place, Lee avenue, Nostrand avenue, Waverly avenue, Vanderbilt avenue and Clinton avenue in said city of Brooklyn, nor that portion of the city of Buffalo lying between Michigan and Main streets, nor any part of Fifth avenue in the city of New York, nor that portion of any street or avenue which is now actually occupied by any elevated railroad structure, shall be occupied by any corporation to be organized under the provisions of this act for the purpose of constructing a railway in or upon any of such public parks, lands or places, or upon or along either of the said excepted streets or avenues. It shall be lawful for said commissioners to locate the route of a railway or railways, by tunnel under any such public parks, lands or places, and to locate the route of any railway to be built, under this act, across any of the streets and avenues now occupied by an elevated railroad structure in the city of New York, or across any of the streets or avenues excepted in this act at any point at which, in its discretion, the board of rapid transit railroad commissioners may deem necessary in the location of

any route or routes, or under, or under and along, any of said streets or avenues now so occupied or so excepted in this act. Nothing in this act shall authorize the construction of an elevated railway on Broadway south of Thirty-third street, nor on Madison avenue in the city of New York. It shall not be lawful to grant, use or occupy, for the purposes of an elevated railroad, except for the purpose of crossing the same, any portion of the following named streets and places in the city of New York, that is to say: Second avenue below Twenty-third street; Fourteenth street, between the easterly line or side of Seventh avenue, and the westerly side of Fourth avenue; nor Eleventh street, west of Seventh avenue, nor any part of Bank street; Nassau street; Printing House square, so called, south of Franklin street; Park row, south of Tryon row; Broad street and Wall street.

Elevated
roads.

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. After any determination by said board of any such route or routes and of any general plan of construction of said railway or railways, the said board shall transmit to the common council of said city a copy of said plans and conclusions as adopted. It shall be the duty of such common council upon receiving such copy of plans and conclusions to appoint a day not less than one week nor more than ten days after the receipt thereof for the consideration of such plans and conclusions, and the said common council shall, on the day so fixed, proceed with the consideration thereof and may continue and adjourn such consideration, from time to time, until a final vote shall be taken thereon, as hereinafter provided. Within four weeks after the copy of such plans and conclusions adopted by the board of rapid transit railroad commissioners shall have first been received by said common council, a final vote shall be taken thereon, by ayes and nays, in the form of a vote upon a resolution to approve such plans and conclusions, and to consent to the construction of a railway or railways in accordance therewith. Upon the adoption of such a resolution by a majority vote of all the members of the common council and the approval of the mayor, and in the case of the refusal or failure of the mayor to approve such resolution, then by a two-thirds vote of all the members of the common council, the said

Transmission
of plans, etc.

Approval
and consent
of council.

Consent of
local authorities.

plans and conclusions shall be deemed to have been finally consented to and adopted, and such consent shall be deemed to be the consent of the local authorities of such city; provided, that where in any such city the exclusive control of any street, road, highway or avenue which is to be used or occupied by any railway or railways constructed under the provisions of this act, is by law vested in any local authority other than the common council of such city, the approval of the aforesaid plans and conclusions and the consent to the construction of a railway thereunder shall be given by such local authority in place of and if required in addition to such approval and consent by said common council and with like effect. Upon obtaining the approval and consent of the local authorities as above provided, the said board of rapid transit railroad commissioners shall also, unless such approval and consent of local authorities shall have been refused, take the necessary steps to obtain, if possible, the said consents of the property owners along the line of the said route or routes. For the purposes of this act the value of the property bounded on that portion of any street or highway in, upon, over or under which it is proposed to construct or operate such railway or railways, or any part thereof, shall be ascertained and determined from the assessment-roll of the city in which the said property is situated, confirmed or completed last before the local authorities shall have given their consent as above provided. If such consents of property owners can not be obtained, the said board may, in its own name, make application to the general term of the supreme court in the judicial district in which such railway is to be constructed for the appointment of three commissioners to determine and report after due hearing whether such railway ought to be constructed and operated. Two weeks' notice of such application shall be given by daily publication thereof, Sundays and holidays excepted, in six daily newspapers published in the city where such proposed railway is to be constructed, if there be so many newspapers published in said city, and if not, then in all the daily newspapers published in said city. The newspapers in which said publication shall be made shall be designated by the general term of the supreme court to which such application is to be made on the application of the commissioners without

Consent
of property
holders.

Value of
property,
how de-
termined.

Proceed-
ings if con-
sents not
obtained.

Notice of
applica-
tion for
commis-
sioners.

notice. The said general term, upon due proof of the publication aforesaid, shall appoint three disinterested persons who shall act as commissioners, and such commissioners within ten days after their appointment shall cause public notice to be given in the manner directed by the said general term of their first sitting, and may adjourn from time to time until all their business is completed. Vacancies in such commission may be filled by said general term after such notice to persons interested as the general term may deem proper, and the evidence taken before as well as after such vacancy occurred shall be deemed to be properly before such commissioners. The said commissioners shall determine after public hearing of all parties interested whether such railroad ought to be constructed and operated and shall report the evidence taken to said general term, together with a report of their determination whether such road ought to be constructed and operated, which report, if in favor of the construction and operation of such road, shall, when confirmed by said court, be taken in lieu of the consent of the property owners above-mentioned. Such report shall be made within sixty days after the appointment of said commissioners, unless the said court, or a judge thereof, shall extend such time.

Appoint-
ment
thereof,
etc.

Vacancies
in com-
mission.

Determi-
nation and
report.

§ 3. Section six of said act is hereby amended so as to read as follows:

§ 6. When the consents of the local authorities and the property owners, or, in lieu thereof, the authorization of the said general term of the supreme court upon the report of commissioners, shall have been obtained, the board of rapid transit railroad commissioners shall at once proceed to prepare detailed plans and specifications for the construction of such rapid transit railway or railways in accordance with the general plan of construction, including all devices and appurtenances deemed by it necessary to secure the greatest efficiency, public convenience and safety, including the number, location and description of stations and plans and specifications for suitable supports, turnouts, switches, sidings, connections, landing-places, buildings, platforms, stairways, elevators, telegraph and signal devices, and other suitable appliances incidental and requisite to what the said board may approve as the best and most efficient system of rapid transit in view of the

Detailed
plans and
specifica-
tions.

Subways
for pipes
and wires.

Stations.

Alteration
of
plans.

Work at
points of
sub-surface
structures.

Expenses,
how paid.

Section
amended.

public needs and requirements, and the said board may in its discretion include in said plans, provisions for subways or tunnels for sewer, gas or water pipes, electric wires and other conductors proper to be placed under ground, whenever necessary so to do, in order to permit of the proper construction of any railway herein provided for in accordance with the plans and specifications of the said board. Stations and station approaches may be under or over streets of the route or cross-streets. The board may from time to time, alter such detailed plans and specifications, but always so that the same shall accord with the general plan of construction; but whenever a contract shall have been made for the construction of any railway herein provided for, no such alteration shall be made by the board without the consent of the contractor and his sureties, except as liberty shall have been reserved in such contract by said board for such alteration. Whenever the construction of any railway, depressed way, subway or tunnel under the provisions of this act shall interfere with, disturb or endanger any sewer, water pipe, gas pipe, or other duly authorized sub-surface structure, the work of construction at such points shall be conducted in the city of New York in accordance with the reasonable requirements of the commissioner of public works, and in other cities in accordance with the reasonable requirements and under the supervision of the officer or local authority having the care of, and the jurisdiction or control over, such sub-surface structures so interfered with, disturbed or endangered. All expenses incidental to such supervision and to the work of reconstructing, readjusting and supporting any such sewer, water pipe, gas pipe, or other duly authorized sub-surface structure, shall be borne and paid by the company which shall have acquired the right, privilege and franchise to construct, maintain and operate such railway, pursuant to a sale of the same at public auction, as hereinafter provided, if any such sale shall be made by said board.

§ 4. Section seven of said act is hereby amended by striking therefrom the words "sections twelve and thirteen of this act," and by inserting in lieu thereof the words "sections twelve and thirteen of chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four."

§ 5. Section nine of said act is hereby amended so as to read as follows:

§ 9. The said board may rent such offices and employ such engineers, attorneys and other persons, from time to time, as it may, in its discretion, deem necessary to the proper performance by it of its duties as in this act prescribed. It may sue in the name and behalf of the city for which it acts as a board. It may in the name of and in behalf of the said city bring action of specific performance or may apply by mandamus to compel the performance within its city by any corporation or person of any duty or obligation with reference to or arising out of the construction or operation of any railroad under, or by reason of, any grant made or right acquired under this act or the acts amendatory hereof or supplementary hereto, or out of or by reason of any contract made or authorized by any board of rapid transit commissioners within its city, or it may in behalf of and in the name of said city bring actions to recover damages for any violation of contract or duty, or for any wrong committed by any such corporation or person by reason of any non-performance or violation of duty under the provisions of this act, or under any contract or stipulation made in pursuance of any provisions of this act. Every action or proceeding brought by the said board, and every action or proceeding in which an injunction is had or sought against the board or the said city, or against any corporation or person who or which shall have entered into a contract under the provisions of this act, or any act supplementary hereto, or amendatory hereof, by reason of any act or thing done, proposed or threatened under or by virtue of any provision of this act, or any act supplementary hereto, or amendatory hereof, or is sought against any corporation or person claiming or claiming to act under any grant or franchise under this act, or any act supplementary hereto, or amendatory hereof, and every action or proceeding in which the constitutionality of any part of this act, or of any act supplementary hereto, or amendatory hereof, shall or may be brought in question, shall have a preference above all causes not criminal on the calendar of every court, and may be brought on for trial or argument upon notice of eight days for any day of any term on which the court shall be in session.

Office room
and emp-
loyees.

Actions
and pro-
ceedings
by board.

Preference
of actions.

§ 6. Section twenty-six of said act is hereby amended so as to read as follows:

Conveying
United
States
mails.

§ 26. Any corporation or person operating a railroad under any provision of this act or of any act supplementary hereto or amendatory hereof shall, when applied to by the postmaster-general, convey the mails of the United States on their road or roads respectively; and in case the parties can not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and conditions of carrying the same, it shall be lawful for the governor of this State to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting to the corporation, shall determine and fix the prices, terms and conditions aforesaid; but such price shall not be less for carrying said mails in the regular passenger trains than the amount which such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car. And in case the postmaster-general shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail and be allowed an extra compensation for the expenses and wear and tear thereof, and for the service to be fixed as aforesaid.

Extra
trains
therefor.

§ 7. Section thirty of said act is hereby amended so as to read as follows:

Willful in-
jury to
property.

§ 30. If any person or persons shall willfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of or on any part of any railroad either constructed or operated under any provision of this act or of any act supplementary hereto or amendatory hereof, or under any provision of any contract made under this act or any act supplementary hereto or amendatory hereof, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the owner of such building, construction, works, engine, machine, structure, matter or thing treble the amount of damages sustained in consequence of such offense.

§ 8. Section thirty-two of said act is hereby amended so as to read as follows:

§ 32. The said board of rapid transit railroad commissioners may also from time to time, upon application of any railway corporation owning or actually operating a railroad wholly or in part within the limits of the city in which the said board has power to act, if in the judgment of said board the public interests so demand, by the concurrent vote of six of the members of said board fix and determine the route or routes by which any such railway company may connect with other steam railways, or the stations thereof, or with steam ferries, or may extend its lines within said city, and may authorize any such railway company to lay an additional track or tracks on, above, under or contiguous to a portion or the whole of the route or routes of its railway or railways within said city and to acquire terminal or other facilities necessary for the accommodation of the traveling public on any street or place except the place now known as Battery park on which said railway shall be located; and may also authorize any such railway company to lay its tracks and operate its railway to any terminal or terminals within the said city, and to transport over the same passengers or freight or both, and to run over the same either passenger trains or freight trains or mixed trains; and the said board shall fix and determine the locations and plans of construction of the railways upon such route or routes and of such tracks and facilities, the times within which they shall be respectively constructed, the compensation to be made therefor to the city by said railway company, and such other terms, conditions and requirements as to the said board may appear just and proper,—provided, however, that every such determination, authorization and license shall be made upon the condition that such corporation shall, from the time of the commencement of the operation of any such railway or track or tracks under such determination, authorization or license, annually pay to the said city a sum or rental, and that the amount of such sum or rental for a period of not more than thirty-five years, beginning with such operation of any such railway track or tracks, shall be prescribed by the said board in such determination, authorization or license, and that every such determination, authorization and license shall provide for the readjustment

Powers to fix connecting routes and extend lines.

Additional tracks and facilities.

Plans of construction, etc.

Compensation to city.

Certificate
by board.

Delivery
and filing
thereof.

Powers
conferred
thereupon.

Right to
construct
railway.

of the amount of such sum or rental at the expiration of the period for which the same shall be so prescribed and for readjustment from time to time in the future of the amount of such annual payment at intervals each of not more than thirty-five years. A certificate shall be prepared by the said board, attested by its seal and the signature of its presiding officer, setting forth in detail the action taken by the said board with respect to such connecting or extended route or routes and such tracks and facilities, and the terms, conditions and requirement aforesaid, including provisions as to the said annual payments and the future readjustments thereof. A like certificate shall be prepared in like manner upon every modification of the terms of the contract as hereinafter provided. Each such certificate shall prescribe the terms and conditions of the readjustments of such annual payments and may provide for the determination of such amount upon such readjustments by arbitration or by the supreme court. Such certificate shall be delivered to said railway corporation upon the receipt by said board of a written acceptance of said terms, conditions and requirements, duly executed by said railway corporation, so as to entitle it to be recorded. The said certificates shall be filed in the office of the secretary of state, and a duly certified copy thereof shall be filed in the office of the clerk of the county in which the said city is situated, and thereupon, and upon fulfillment by such railway corporation, so far as it relates to such connections, additional track or tracks, or facilities, of such of the requirements and conditions as are necessary to be fulfilled in such cases, under section eighteen of article three of the constitution of this State, and upon fulfillment by such railway corporation of such other terms, conditions and requirements enumerated in said certificate, as the said board may require to be fulfilled as a condition precedent to commencing said work, said railway company shall in such cases possess in addition to existing franchises all the powers conferred by this act upon corporations specially formed thereunder, with respect to its railways authorized to be constructed as aforesaid, and when any route or routes, additional track or tracks, or terminal or other facilities, shall be so fixed and determined, and a certificate as aforesaid shall have been duly filed, such railway company may construct the same with all the rights, and with

like effect as though the same had been a part of the original route of its railway then in actual operation. The certificate or certificates prepared by the board of rapid transit railroad commissioners as aforesaid when delivered to and accepted by such railway corporation, shall be deemed to constitute a contract between the said city and said railway company according to the terms of the said certificate; and such contract shall be enforceable by the said board acting in the name of and in behalf of the said city or by the said company according to the terms thereof, but subject to the provisions of this act. The terms of such contract may from time to time, with the consent of such company, be modified by the board of rapid transit railroad commissioners by the vote of six of its members. But the construction and operation of such connections, extensions, additional track or tracks, or facilities, are hereby authorized only upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon, above or under which it is proposed to construct or operate the same, be first obtained, or in case the consent of such property-owners can not be obtained, the general term of the supreme court in the district in which they are proposed to be constructed, may, upon application, in the same manner and on the same notice specified in section five of this act, appoint three commissioners, who shall determine after a hearing of all parties interested, whether the same ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property-owner.

Certificates deemed contracts.

Consent of property owners and local authorities.

§ 9. Section thirty-three of said act is hereby amended so as to read as follows:

§ 33. Wherever or whenever the route selected by the said board of rapid transit railroad commissioners for the construction of such railway shall intersect, cross or coincide with any railway track or tracks occupying the surface of any street or avenues, or the construction or operation of said railway shall interfere with any pipes, sewers, subways, or underground conduits or ways, any corporation organized under this act, or any contractor or person constructing any railway or part of a rail-

Removal of pipes, tracks, subways, etc., by contractors.

way under any contract made with the board of rapid transit railroad commissioners, is hereby authorized, for the purpose of constructing the said work, to remove the track or tracks of any such surface railway or railways, or any such pipes, sewers, subways, or underground conduits or ways, but the same shall be done in such manner as to interfere as little as possible with the practical operation or workings of such surface railway or railways, or the works or business of the owners of any such pipes, sewers, subways, or underground conduits or ways, and upon the construction of such railway built under and in conformity with the provisions of this act, where such removals or changes have been made, said track or tracks, pipes, sewers, subways or underground conduits or ways shall be restored, as nearly as may be, to the condition in which they were previous to the construction of any such railway built under the provisions of this act, and any damages which such company or companies or owners may sustain, shall be ascertained by a commission to be appointed the same as in the case where lands are taken for the purpose of a railway route or routes as hereinbefore provided in this act. For the purpose of the construction or operation of any railway under the provisions of this act, the board of rapid transit railroad commissioners may remove or cause to be removed, any pipes, sewers, subways or underground conduits or ways underneath any street, highway, park, or public place, provided, however, that the same shall be replaced as soon as practicable, either in the same position as before or in a secure and convenient position underneath such street, highway, or public place. All such removals and restorations shall be made at the proper cost and charge of such corporation, contractor, or person as may have made such removals, but subject to the provisions of its, his, or their contract, if any, with the board of rapid transit railroad commissioners. Nothing contained in this act shall authorize any corporation formed thereunder to use the tracks of any horse railway. For the purpose of facilitating construction, and to diminish the period of occupancy of any street for the transportation of material, any contractor acting under a contract made in pursuance of this act, or of any act supplementary hereto or amendatory hereof, may with the approval of the board of rapid transit railroad commissioners lay upon or over the

Restoration of same.

Damage.

Board may remove pipes, sew. rs, subways, etc.

Temporary tramways for use in construction.

surface of any street, temporary tramways to be used only for the removal of excavated materials or the transportation of material for use in the construction.—Provided, however, that ^{Provided,} any such tramway shall be forthwith removed upon the direction of the board of rapid transit railroad commissioners; and provided further, that this provision shall not be construed to authorize the construction or operation of any street railroad, or to grant to any corporation, association or individual the right to lay down railroad tracks.

§ 10. Section thirty-four of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four, entitled “An act to amend chapter four of the laws of eighteen hundred and ninety-one, entitled ‘An act to provide for rapid transit railways in cities of over one million inhabitants,’” is hereby amended so as to read as follows:

§ 34. In case the people shall determine by vote, as provided ^{Consideration and adoption of routes, plans, etc.} in sections twelve and thirteen of chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four, that any such railway or railways shall be constructed for and at the expense of such city, then and in that event it shall be the duty of said board to consider the routes, plans and specifications, if any, previously laid out and adopted by them or their predecessors, and for which the consents have been obtained referred to in section five of this act; and either to proceed with the construction of such railway or railways, and provide for the operation of the same, as hereinafter provided, or to change and modify the said routes, plans or specifications in such particulars as to said board may seem to be desirable, or to adopt other or different routes, plans and specifications for such railway or railways, provided, always that in all cases in which any such change or modification shall be of such a character as to require the consents thereto referred to in section five of this act, and in all cases where other or different routes or general plans may have been so adopted the said board shall proceed to secure the consents required to be obtained by section five of this act as therein set forth. As soon as such consents, where necessary, ^{Contracts for construction of roads.} shall have been obtained, and the detailed plans and specifications have been prepared as provided in section six of this act, the said board, for and in behalf of said city, shall enter into a contract with any person, firm or corporation, which in the

opinion of said board shall be best qualified to fulfil and carry out said contract, for the construction of such road or roads, upon the routes and in accordance with the plans and specifications so adopted, for such sum or sums of money, to be raised and paid out of the treasury of said city, as hereinafter provided, and on such terms and conditions, not inconsistent with the aforesaid plans and specifications, as said board shall determine to be best for the public interests. And said board may contract for the construction of the whole road, or all the roads provided for by the aforesaid plans in a single contract, or may by separate contracts, executed from time to time, provide for the construction of parts of said road or roads, or for the construction at first of two or more tracks over a part or parts of such road or roads, and afterwards of one or more additional tracks over a part or parts of such road or roads, as the necessities of said city and the increase of its population may in the judgment of said board require. The board may also in a contract for a part of such a road insert a provision that at a future time upon the requirement of the board the contractor shall construct the remainder or any part of the remainder of said road, as the growth of population or the interests of the city may in the judgment of the board require, and may in such contract insert a provision of a method for fixing and ascertaining at such future time the amount to be paid to the contractor for such additional construction, and to the end of such ascertainment may provide for arbitration or for determination by a court of the amount of such compensation, or of any other details of construction which shall not be prescribed in the contract, but which shall be deemed necessary or convenient by said board. Any such contract may provide, if the public interest shall, in the opinion of the board, justify the provision, that the construction of any section or portion of the road may, with the consent of the board, be suspended during the term of operation of the railroad as hereinafter mentioned, or any part of such term, provided, that during such term or part of term the contractor shall use in lieu of such portion of the road a railroad owned or leased by the contractor or a portion or section thereof, which shall, with the railroad or portion of railroad constructed by it under its contract with the board, form a continuous and convenient route. Such contract shall also provide that the person, firm

or corporation so contracting to construct said road or roads shall, at his or its own cost and expense, equip, maintain and operate said road or roads for a term of years to be specified in said contract, not less than thirty-five, nor more than fifty years, and upon such terms and conditions as to the rates of fare to be charged and the character of service to be furnished and otherwise as said board shall deem to be best suited to the public interests, and subject to such public supervision and to such conditions, regulations and requirements as may be determined upon by said board, provided, that in case the contract shall provide for construction at different times or at intervals of time of different parts of a road, or if the contract shall provide for the use by the contractor of an existing railroad as part of a continuous route as aforesaid, then and in any such case the board of rapid transit railroad commissioners may in its discretion prescribe periods for the operation of the different parts of said road so that at one period of time in the future the board may be enabled to make a single operating contract or lease of the entire road. Such contract shall further provide by proper stipulations and covenants on the part of the said city, that the said city shall secure and assure to the contractor, so long as the contractor shall perform the stipulations of the contract, the right to construct and to operate the road as prescribed in the contract, free of all right, claim or other interference, whether by injunction, suit for damages, or otherwise, on the part of any owner, abutting owner, or other person. Such contract shall further provide that the person, firm or corporation so contracting to construct, maintain and operate said road shall annually pay into the treasury of said city, as rental for the use of said road, a sum which shall not, except as hereinafter provided, be less than the annual interest upon the bonds to be issued by said city for the construction of said road as hereinafter provided for, and in addition to said interest, a further sum which shall be equal to a percentage of not less than one per centum upon the whole amount of said bonds,—provided, that in estimating such annual interest and additional percentage there shall be deducted from the amount of the said bonds the amount thereof issued to pay for rights, terms, easements, privileges or property other than lands acquired in fee. Such rental and the term for the operation

Equipment
and opera-
tion of
road.

Annual
rental,
payment
of, to city.

of said road shall begin as to said road or any section thereof when the same shall be declared by the board of rapid transit railroad commissioners to be completed and ready for operation. For the purpose of estimating such one per centum per annum upon the ascertainment of the amount of such rental, there shall be included such portion of the said bonds as shall have been issued to pay interest on bonds theretofore issued under the provisions of this act, except bonds issued to pay for rights, terms, easements, privileges, or property other than lands acquired in fee. The aforesaid annual rental shall be paid at such times during each year as said board shall require, and shall be applied first to the payment of the interest on said bonds, as the same shall accrue and fall due, and the remainder of said rental not required for the payment of said interest shall be paid into the sinking fund, for the payment of the city debt, if there shall be such sinking fund in said city, or, if there be none such, then said balance of said rental shall be securely invested, and with the annual accretions of interest thereon, shall constitute a sinking fund for the payment and redemption at maturity of the bonds issued, as hereinafter provided. Said contract may also provide for a renewal or renewals of the lease of said road upon the expiration of the original term and of any renewals of the same upon such terms and conditions as to said board may seem just and proper, and may also contain provisions for the valuation of the whole or a part of the property of said contracting person, firm or corporation, employed in and about the equipment, maintenance and operation of said road, and for the purchase of the same by the city, at such valuation, or a percentage of the same, should said lease not be so renewed at any time. Said contract may provide for the construction of said road in sections, and except as herein otherwise provided, shall specify when the construction of said road, or sections of the same shall be commenced, and, in each case, the date of completion. It shall also state the date on which the operation of the road, or of any section thereof, shall commence. The person, firm or corporation so contracting for the construction, equipment, maintenance and operation of said road, shall give a bond to said city, in such amount as said board of rapid transit railroad commissioners shall require, and with sureties to be approved by said

Application
of
rentals.

Renewal
of
leases.

Construc-
tion of
road in
sections.

Bond of
contractor.

board, who shall justify in the aggregate in double the amount of said bond. Said bond shall be a continuing security, and shall provide for the prompt payment by said contracting person, firm or corporation, of the amount of annual rental specified in the aforesaid contract, and also for the faithful performance by said contracting person, firm or corporation, of all the conditions, covenants and requirements specified and provided for in said contract. The said contracting person, firm or corporation shall also simultaneously with the execution and delivery of said contract, deposit with the comptroller or other chief financial officer of such city the sum of one million dollars in cash or in securities of a value not less than one million dollars, which securities shall be of the character of those in which the savings banks of this State are authorized by law to invest moneys, and shall be approved by the board of rapid transit railroad commissioners, which cash or securities shall, under such terms and conditions as shall be provided in the said contract, be further security for the faithful performance by such contracting person, firm or corporation of all the covenants, conditions and requirements specified and provided for in said contract relating to the construction and equipment of said road, and the city in and for which said road shall be constructed shall also have a first lien upon the rolling stock and other property of said contracting person, firm or corporation, constituting the equipment of said road and used or intended for use in the maintenance and operation of the same, as further security for the faithful performance by such contracting person, firm or corporation of the covenant, conditions and agreements of said contract on his, their, or its part to be fulfilled and performed, and in case of the breach of any such covenant, condition and agreement said lien shall be subject to foreclosure by action, at the suit of such city, in the same manner, as far as may be, as is then provided by law in the case of foreclosure by action of mortgages on real estate. The said board of rapid transit railroad commissioners may, however, from time to time, by a concurrent vote of six of the members of said board, relieve from such lien, any of the property to which the same may attach, upon receiving additional security which may be deemed by said board so voting to be the equivalent of that which it is proposed to release and other-

Deposit upon execution and delivery of contract.

Lien upon rolling stock and property.

Foreclosure upon breach of contract.

Release of lien upon additional security.

Return of
deposits
upon com-
pletion and
equipment
of road.

Credit of
interest
upon
rental.

Proceed-
ings upon
default of
rental or
violation of
contract.

wise upon such terms as to such board so voting shall seem just. Upon the completion of the construction and equipment of said road to the satisfaction of said board, and when the operation of the same shall have commenced pursuant to said contract, it shall be the duty of the comptroller or other chief financial officer to pay to the said contracting person, firm or corporation said sum of one million dollars in cash or the said securities so to be deposited as above provided, and said contracting person, firm or corporation shall also be then entitled to be credited upon the rental which he, they or it shall have contracted to pay to said city for the use of said road a sum which shall be equal, as the case may be, either to the interest on the sum of one million dollars for the time of such deposit at the rate of interest provided for in the bonds which shall have been issued and sold by the city to provide for the construction of said road or to the interest, dividends, or other income which said city shall have received from the said securities. The said contract shall further provide that in case of default in paying the annual sum or rental therein provided for, or in case of the failure or neglect on the part of said contracting person, firm or corporation, faithfully to observe, keep and fulfill the conditions, obligations and requirements of said contract, the said city, by its board of rapid transit railroad commissioners, may take possession of said road and the equipment thereof, and as the agent of said contracting person, firm or corporation, either maintain and operate said road, or enter into a contract with some other person, firm or corporation for the maintenance and operation thereof, retaining out of the proceeds of such operation, after the payment of the necessary expenses of operation and maintenance, the annual rental hereinbefore referred to, and paying over the balance, if any, to the person, firm or corporation with whom the first contract above mentioned was made, and if such proceeds of the operation of said road, after the payment of the necessary expenses of maintenance and operation, including the keeping in repairs of the rolling stock and other equipment, shall in any year be less than the annual rental hereinbefore referred to and provided in the first contract, then and in that case, the said contracting person, firm or corporation and his or its bondsmen, shall be and continue jointly and severally

liable to the aforesaid city for the amount of such deficiency until the end of the full term for which the said first contract was originally made. No contract entered into under authority of this act shall be assigned without the written consent of the said board of rapid transit railroad commissioners concurred in by all the members of said board. It shall be deemed to be part of every such contract that, in case the board of rapid transit railroad commissioners shall cease to exist, the legislature may provide what public officer or officers of the city shall exercise the powers and duties belonging to the board of rapid transit railroad commissioners under or by virtue of any such contract, and that in default of such provision, such powers and duties shall be deemed to be vested in the mayor of the city. Every such contract shall provide that if the contracting person, firm or corporation shall fail to construct or to operate the railway according to the terms of the contract, and shall, after due notice of its default, omit for more than a reasonable time to comply with the provisions of such contract, the board of rapid transit railroad commissioners may bring an action in the name and in behalf of the city to forfeit and vacate all the rights of such contracting person, firm or corporation under such contract, and for damages and otherwise as may be necessary for the sufficient and just protection of the rights of the city; or may, upon such terms as to the board of rapid transit railroad commissioners seem just and with such person or corporation as to the said board may seem proper, make another operating contract and lease of the said road for the residue of the term of the contractor in default; and may bring action in the name and on behalf of the city to recover from the contractor the amount due from the contractor, less the amount which shall have been received by the city under or by virtue of such new contract, and for all other damages sustained by the city by reason of such default. Any railway corporation, organized under the laws of this State, or any existing railway corporation owning or actually operating a railway wholly or in part within the limits of the city, in and for which said board has power to act, shall be competent and is hereby authorized to enter into a contract for the construction and operation of any railway pursuant to the provisions of this chapter.

Assign-
ment of
contracts.

Failure to
construct
railway ac-
cording to
terms, pro-
ceedings
upon.

Railway
corpora-
tions may
enter into
contract.

§ 11. Section thirty-six of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

Advertis-
ing for
proposals.

§ 36. The said board of rapid transit railroad commissioners before awarding any contract or contracts shall advertise for proposals for such contracts by a notice to be printed twice a week for three successive weeks in no less than four of the daily newspapers published in said city, and in such newspapers published elsewhere than in said city as said board shall determine. Such notice shall set forth and state the points within said city, between which said road or roads is or are to run, the general method of construction, the route or routes to be followed, the term of years for which it is proposed to make such contract, and such other details and specifications as said board shall deem to be proper. Said notice shall state the time and place at which said proposals will be opened, and the said board shall attend at the time and place so specified, and shall publicly open all proposals that shall have been received, but the said board shall not be bound to accept any proposals so received, but may reject all such proposals and readvertise for proposals in the manner hereinbefore provided, or may accept any of such proposals as will, in the judgment of such board, best promote the public interest, and award a contract accordingly.

Contents
of notice.

Opening
and accep-
tance of
proposals.

§ 12. Section thirty-seven of said act as amended by said chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

Appropri-
ations for
construc-
tion at pub-
lic expense

§ 37. For the purpose of providing the necessary means for such construction, at the public expense, of any such road or roads and the necessary means to pay for lands, property, rights, terms, privileges and easements, whether of owners, abutting owners, or others, which shall be acquired by the city for the purposes of the construction or the operation of such road or roads as hereinafter provided, and of meeting the interest on the bonds in this section hereinafter provided for accruing thereon prior to the completion and readiness for operation of the portion of such road or roads for the construction of which such bonds shall have been respectively issued, the board of estimate and apportionment, or other local authority in said city, in which such road or roads are to be

constructed, having power to make appropriations of moneys to be raised by taxation therein, from time to time, and as the same shall be necessary, and upon the requisition of said board of rapid transit railroad commissioners, shall direct the comptroller, or other chief financial officer of said city, and it shall thereupon become his duty, to issue the bonds of said city at such a rate of interest, not exceeding three and one-half per centum per annum, as said board of estimate and apportionment, or other local authority directing the issue of such bonds, may prescribe. Said bonds shall provide for the payment of the principal and interest in gold coin of the United States of America. They shall not be sold for less than the par value thereof, and the proceeds of the same shall be paid out and expended for the purposes for which the same are issued, upon vouchers certified by said board of rapid transit railroad commissioners. Said bonds shall be free from all taxation for city and county purposes, and shall be payable at maturity out of the sinking fund for the payment of the city debt, if there be such a sinking fund of said city; but if there be no such sinking fund, then out of a sinking fund to be established and created out of the annual rentals of said road as hereinbefore provided. But this provision that the said bonds shall be payable out of such sinking fund shall not diminish or affect the obligation of said city as a debtor upon said bonds, or any other right or remedy of any holder or owner of any such bonds, to collect the principal or interest thereof. The amount of bonds authorized to be issued and sold by this section shall not exceed fifty millions of dollars, par value, without the consent of the legislature first had and obtained, provided, however, that such amount shall be increased by a sum not exceeding five millions of dollars, if the board of rapid transit railroad commissioners shall certify that such increase is made necessary by payments required for any lands, property, rights, terms, easements or privileges which shall be acquired by the said city as hereinafter provided.

Issue of bonds.

Sale and proceeds thereof.

Exempt from taxation.

Payment at maturity.

Limitation of issue.

§ 13. Section thirty-eight of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 38. The board of rapid transit railroad commissioners, for and on behalf of the said city in which such road or roads may be constructed, may, from time to time, with the concurrence of

Modification of contracts and plans.

six members of said board and the consent, in writing, of the bondsmen or sureties of the person, firm or corporation which has contracted to construct, equip, maintain and operate said road or roads, or any of them, agree with said contracting person, firm or corporation upon changes in and modifications of said contract, or of the plans and specifications upon which said road or roads is or are to be constructed, but no change or modifications in the plans and specifications consented to and authorized pursuant to section five of this act shall be made without the further consent and authorization provided for in said section; but in no event shall the annual rental to be paid to said city, for the use of said road, be reduced below the minimum rate hereinbefore provided.

Proviso as to reduction of rentals.

Section amended.

§ 14. Section thirty-eight of said act added thereto by chapter one hundred and two of the laws of eighteen hundred and ninety-two, entitled "An act to amend chapter four of the laws of eighteen hundred and ninety-one, entitled 'An act to provide for rapid transit railways in cities having over one million inhabitants,' passed January thirty-first, eighteen hundred and ninety-one," is hereby amended so that the number of said section so added shall be thirty-eight (a) instead of thirty-eight.

§ 15. Section thirty-nine of said act added thereto by said chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

Acquisition of lands and rights.

§ 39. For the purpose of constructing or operating any road for the construction and operation of which a contract shall have been made by the board of rapid transit railroad commissioners, including necessary stations and station approaches, or for the purpose of operating or securing the operation of the same free of interference and right of interference and of action and right of action for damages or otherwise, whether by abutting owners or others, or to provide, lay or maintain conduits, pipes, ways or other means for the transmission of electricity, steam, water, air or other source or means of power or of signals or messages necessary or convenient for or in the construction or operation of such road, or for the transportation of materials necessary for such construction or operation, or to provide a temporary or permanent way or course for any such conduit, pipe or other means or source of transportation, the said board for and in behalf of said city may acquire, as in this act pro-

vided, any real estate, and any rights, terms, and interest therein, and any and all rights, privileges, franchises and easements, whether of owners or abutting owners or others, including any rights of owners, abutting owners, or others to interfere with the construction or operation of such road or to recover damages therefor, which, in the opinion of the board, it shall be necessary to acquire or extinguish for the purpose of constructing and operating such road free of interference or right of interference. The word "property" hereinafter used shall be deemed to include any such real estate, and any rights, terms and interest therein, and any such rights, privileges, franchises and easements, whether of owners, abutting owners, or others.

§ 16. Section forty of said act added thereto by said chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 40. It shall and may be lawful for said board, and for all persons acting under its authority, to enter in the daytime into and upon any and all lands and property which it shall deem necessary to be acquired, or to which there may be appurtenant rights, terms, franchises, easements or privileges which it shall deem necessary to be acquired or extinguished by said city, for the purpose of making the maps or surveys hereinafter mentioned, and also to enter in like manner and for the same purpose upon any property adjacent to and within five hundred feet of the property to be so surveyed; and the said board shall cause three similar maps or plans to be made of each parcel of property which it may deem necessary so to be acquired, or to which there may be appurtenant rights, terms, franchises, easements or privileges necessary so to be acquired or extinguished, designating each of said parcels by a number, and upon each map or plan so made or in a memorandum accompanying the same and to be deemed part thereof the said board shall cause to be clearly indicated the particular estate or estates, rights, terms, privileges, franchises or easements to be acquired or extinguished for the purposes of this act, in relation to each and every piece or parcel of property described upon said map or plan. The said board shall have power to cause a triplicate set of maps or plans and memoranda as herein provided for to be made as often and at such times as said board shall determine, and each set of maps or plans and memoranda so made

Certification and filing thereof.

shall contain the particulars above enumerated within such district as said board shall in each case provide. The maps or plans and memoranda herein provided for, when approved and adopted by said board, shall have written thereon a certificate of such approval, signed by the members of said board adopting and approving the same, and one copy thereof shall be filed in the department of public works, or other chief executive department having principal charge of the streets, there to remain as a public record, and the other two of said maps or plans and memoranda shall be transmitted to the counsel to the corporation or other principal legal adviser of said city. The said board may from time to time make and file further maps or plans and memoranda amending those already filed, but not so as to defeat or impair any property or interest which shall have been already acquired, or to revive any interest or right which may have been already extinguished by the said city.

Amended maps.

§ 17. Section forty-one of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

Board may direct proceedings to be taken.

§ 41. Whenever and as often as the said board shall deem it to be necessary and proper that the said city should acquire any such property and shall have caused to be made, as provided in the last preceding sections, the maps or plans and memoranda specifying and defining the said property to be acquired, or to which are appurtenant the rights, terms, franchises, easements or privileges to be acquired or extinguished, and shall have certified, filed and transmitted the several copies of such maps or plans as in the last section prescribed, the said board may direct the counsel to the corporation or other principal legal adviser of said city, to take legal proceedings to acquire the same for the said city, and the said counsel to the corporation, or other principal legal adviser, shall thereupon take proceedings as in this act provided.

Duty of corporation council.

§ 18. Section forty-three of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

Application for commissioners of appraisal.

§ 43. After the said set shall have been filed as hereinbefore provided in the office of the register or county clerk of said county, the said counsel to the corporation, or

other principal legal adviser, for and on behalf of the said city, shall, and he may from time to time, upon first giving the notice required by the next section of this act, apply to the supreme court at any special or general term thereof, to be held in the judicial district in which said city is situated, for the appointment of commissioners of appraisal. Upon each such application he shall present to the court a petition, signed by a majority of the members of said board and verified in the manner prescribed by law for the verification of pleadings, according to the practice of said court, setting forth the action or determination theretofore taken or had by said board, with respect to the property to be acquired, and the filing of said maps or plans and memoranda and praying for the appointment of such commissioners of appraisal. Such petition shall contain a general description of all the property to, or in or over or appurtenant to which any title, interest, right, franchise, easement, term or privilege is sought to be acquired or extinguished, and of every right, franchise, easement, or privilege sought to be acquired, by the said city for public purposes, each lot or parcel being more particularly described by a reference to the number of said lot or parcel as given on said maps, and the title, interest, right, easement, term or privilege sought to be acquired, or extinguished, to or in or over or appurtenant to each of said lots or parcels shall be stated in said petition.

Petition to
court.

Contents
thereof.

§ 19. Section forty-four of said act added thereto by section seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 44. The said counsel to the corporation, or other principal legal adviser shall give, or cause to be given, notice by publication in two public newspapers published in the said city, of his intention to make application to the said court for the appointment of such commissioners of appraisal, which notice shall state the time and place of such application, shall briefly state the object of the application and shall describe the property sought to be acquired or affected. A statement of the location and boundaries of the several lots or parcels of property and rights, franchises, easements, or privileges sought to be taken or affected, and a brief statement as to each of said lots or parcels of the title, interest,

Notice of
application for
commissioners.

Description
of
property
sought to
be taken.

Publication
of notice.

rights, easements, terms or privileges therein or appurtenant thereto, sought to be acquired or extinguished with a reference to the dates and places of filing the said maps or plans and memoranda shall be a sufficient description of the property sought to be so taken or affected. Such notice shall be so published daily, Sundays and holidays excepted, in said newspapers for six weeks immediately previous to the time fixed in said notice for the presentation of each petition.

§ 20. Section forty-seven of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

City seized
in fee of
land upon
filing oaths

§ 47. On filing said oath in the manner provided in the last section, the said city shall be and become seized and possessed in fee or absolute ownership of all those parcels of property, rights, terms, franchises, easements and privileges which are in the maps or plans and memoranda referred to in section forty of this act, described as parcels of property, rights, franchises, easements, or privileges which are to be acquired, and also shall become seized and possessed of all the rights, terms, franchises, easements or privileges appurtenant to any lots or parcels of property indicated on said maps or plans as parcels in regard to which it is deemed necessary to acquire such rights, terms, franchises, easements or privileges, or the said rights, terms, franchises, easements or privileges shall be extinguished as the case may be; and the said board for the said city, may immediately or at any time or times thereafter take possession or enter into the enjoyment of the said property, rights, terms, franchises, easements and privileges or of any part or parts thereof without any suit or proceeding at law for that purpose and the said board for the said city, or any person or persons acting under

Possession
may be
taken.

Entry upon
and occupa-
tion of
lands, etc.

their or its authority, may enter upon and use, occupy, and enjoy in perpetuity all the parcels of property and all the rights, terms, franchises, easements or privileges appurtenant to any of the parcels of property and all rights, franchises, easements, and privileges, described on said maps or plans or in said memoranda, for any of the purposes authorized and provided for by this act. But on such filing of the said oath the said city shall be and become forthwith liable to the respective owners of the several parcels of property and the several rights, terms, franchises, easements and privileges appertaining thereto, and of the

Liability of
city to
owners
upon filing
of oath.

said rights, franchises, easements, and privileges acquired as aforesaid, for the true and respective values thereof, together with interest thereon from the time of filing the said oath, provided, however, that no such interest shall be payable to any owner of any such property, right, term, franchise, easement or privilege during any period during which the said city or the said board of rapid transit railroad commissioners may by any resistance, whether by legal proceedings or otherwise of such owner or with his authority, be prevented from taking possession thereof or enjoying the same; and provided further, that no action shall be brought to recover the amount of such value or interest unless Actions for recovery by owners. within eighteen months after the filing of such oath, a report shall not have been duly made by commissioners of appraisal as herein provided, or such report shall not have been confirmed by the supreme court as herein provided, so that the said city shall be liable to forthwith pay the amount by such report ascertained to be due for such value or interest.

§ 21. Section forty-eight of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 48. Any one of said commissioners of appraisal may issue subpoenas and administer oaths to witnesses, and they or any Powers of commissioners. one of them, in the absence of the others, may adjourn the proceedings, from time to time in their discretion, but they shall continue to meet from time to time as may be necessary to hear, consider and determine upon all claims which may be presented to them under any of the provisions of this act. In case of the death, resignation, refusal or neglect to serve of any commissioner of appraisal, the remaining commissioner or commissioners shall, upon ten days' notice, to be given by advertisement in the newspapers mentioned in section forty-four of this act, apply to the supreme court, at a special or general term thereof, to be held in the judicial district in which said city is situated, for the appointment of a commissioner or commissioners to fill the vacancy or vacancies so occasioned. In case of the death, resignation or refusal to serve of all the commissioners of appraisal, the said counsel to the corporation or other principal legal adviser to said city shall, on giving the notice required Vacancies, how filled.

Duties of
commis-
sioners.

In this section, apply to the said court for the appointment of other commissioners of appraisal. It shall be the duty of the commissioners of appraisal to procure from the counsel to the corporation or other principal legal adviser the third set of maps or plans and memoranda provided for in sections forty and forty-two of this act. They shall view the property laid down on said map, and shall hear the proofs and allegations of any owner, lessee or other person in any way entitled to or interested in the property to be acquired or extinguished, or any part or parcel thereof, and also such proofs and allegations as may be offered on behalf of the said city. They shall reduce the testimony, if any, taken before them to writing, and after the testimony is closed, they, or a majority of them, all having considered the same, and having an opportunity to be present, shall, without unnecessary delay, ascertain and determine the compensation which ought justly to be made by the said city to the owners or persons interested in the property acquired or extinguished by said proceedings. The said commissioners of appraisal shall make reports of their proceedings to the supreme court, as in the next section provided with the minutes of the testimony taken before them, if any, and they shall be entitled to the payment hereinafter provided for their services and expenses, to be paid from the fund hereinafter specified. The said commissioners may make a single report or may make reports from time to time as they shall reach their several decisions as to different parcels of property.

Report of
commis-
sioners.

§ 22. Section forty-nine of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 49. The said commissioners shall prepare a report or reports, to which shall be annexed the third set of maps or plans and memoranda referred to in section forty-two of this act and therein denominated the third set or a copy thereof certified by them. Each said report shall contain a brief description of the property so taken or affected, with a reference to the map upon which the same is required to be indicated; a statement of the sums estimated and determined upon by them, as a just compensation for the same to be made by the city to the owners or

persons interested therein and the names of such owners and persons; but in all and each and every case or cases where one or more of the owners and persons interested, or their respective estates or interests, are unknown, or not fully known, to the commissioners of appraisal, it shall be sufficient for them to set forth and state in general terms the respective sums to be allowed and paid to the owners of and persons interested therein, generally, without specifying the names or estates or interests of such owner or persons interested, or any or either of them.

§ 23. Section fifty of said act, added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 50. Each said report, signed by said commissioners, or a majority of them, shall be filed in the office of the clerk of the county in which said city is situated, and the commissioners of appraisal shall, in each case, notify the counsel to the corporation, or other principal adviser to said city, as soon as any such report is filed. ^{Filing of reports.}

§ 24. Section fifty-one of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four, is hereby amended so as to read as follows:

§ 51. The counsel to the corporation, or other principal legal adviser, or, in case of his neglect to do so within ten days after receiving notice of such filing, then any person interested in the proceedings, shall give notice that the said report will be presented for confirmation to the supreme court, at a special term thereof, to be held in the judicial district in which said city is situated, at a time and place to be specified in said notice. The said notice shall contain a statement of the time and place of the filing of the report, and shall be published in two daily newspapers published in such city, for at least two weeks immediately prior to the presentation of said report for confirmation. ^{Notice of presentation of report to court.}

§ 25. Section fifty-two of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 52. The application for the confirmation of each such report shall be made to the supreme court at a special term thereof, held in the judicial district in which said city is situated. Upon the hearing of the application for the confirmation thereof, the ^{Confirmation of report.}

said court shall confirm such report and make an order containing a recital of the substance of the proceedings in the matter of the appraisal, with a general description of the property appraised and for which compensation is to be made, and shall also direct to whom the money is to be paid, and whether or not any part thereof, and, if so, what part, is to be deposited with the comptroller or other chief financial officer of said city with the chamberlain of said city, or if there be no chamberlain, with a bank or trust company to be designated by said court. Such report when so confirmed shall, except in the case of an appeal, as hereinafter provided, be final and conclusive, as well upon the said city as upon owners and all persons interested in or entitled to said property, and also upon all other persons whomsoever.

§ 26. Section fifty-three of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

Payment of
awards.

§ 53. The said city shall, within four calendar months after the confirmation of any report of the commissioners of appraisal, pay to the respective owners and bodies politic or corporate mentioned or referred to in said report, in whose favor any sum or sums of money shall be estimated and reported by said commissioners, the respective sum or sums so estimated and reported in their favor respectively, with legal interest thereon from the date of filing the oath of said commissioners, and in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons or bodies politic or corporate, in whose favor the same shall be so reported, his, her or their executors, administrators, successors or assigns at any time or times after application first made by him, her or them, to the comptroller or other chief financial officer of said city for payment thereof, may sue for and recover the same, with lawful interest as aforesaid, and the costs of suit, in any proper form of action against the said city in any court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act for property taken or extinguished for the purposes herein mentioned, and the report of said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded shall be conclusive evidence in such suit or action.

Actions for
recovery of
same.

§ 27. Section fifty-seven of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 57. Said commissioners of appraisal may in their discretion take up any specified claim or claims, and finally ascertain and determine the compensation to be made thereon, and make a separate report with reference thereto, annexing to said report a copy of so much of the set of maps or plans and memoranda referred to in section forty-two of this act as indicates the property so reported on. Such report shall, as to claims therein specified, be the report required in this act, and the subsequent action with reference thereto, shall be had in the same manner as though no other claim were embraced in said proceeding, which, however, shall continue as to all claims upon which no such determination and report is made.

§ 28. Section fifty-nine of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 59. The supreme court in the judicial district in which said city is situated shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, and to direct such further notices to be given to any party in interest as it deems proper, and also to appoint other commissioners in place of any who shall die, or refuse, or neglect to serve or be incapable of serving, or be removed. And the said court may at any time remove any commissioner of appraisal who in its judgment shall be incapable of serving, or who shall for any reason in its judgment be an unfit person to serve as such commissioner. The cause of such removal shall be specified in the order making the same. If in any particular it shall at any time be found necessary to amend any pleading or proceeding or to supply any defect therein arising in the course of any special proceeding authorized by this act, the same may be amended or supplied in such manner as shall be directed by the supreme court, which is hereby authorized to make such amendment or correction. Wherever in this act reference is made to the general term of the supreme court, it shall be deemed to include the appellate division of the supreme court for the district in which said city is situated, whenever said general term shall be superseded thereby.

§ 29. Section sixty-one of said act, added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

Expense
payable
from
proceeds of
bonds.

§ 61. The moneys necessary and sufficient to be paid for any property, acquired in any manner under the provisions of this act, together with all expenses necessarily incurred in surveying, locating, and acquiring title to such property, and for surveying and locating the same, and for preparing the necessary maps and plans in connection therewith, shall be raised and paid out of the proceeds of bonds issued and sold as provided by section thirty-seven of this act, and all such expenses so incurred in surveying, locating and acquiring title, and for preparing necessary maps and plans and also those incurred as provided in the next section shall be deemed a part of and included in the cost of constructing the road or roads, the construction of which rendered it necessary to acquire the property in the course of the acquisition of which such expenses may be incurred.

Certain
expenses
part of
construction.

Section
amended.

§ 30. Section sixty-three of said act added thereto by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four is hereby amended by striking therefrom the words "sections twelve and thirteen of this act," and by inserting in lieu thereof, the words "sections twelve and thirteen of chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four."

§ 31. Section sixty-four of said act, amended as to its number by chapter seven hundred and fifty-two of the laws of eighteen hundred and ninety-four, is hereby amended so as to read as follows:

Contribution
of act.

§ 64. This act shall not be construed to repeal or in any manner affect chapter six hundred and six of the laws of eighteen hundred and seventy-five, entitled "An act to further provide for the construction and operation of a steam railway or railways in the counties of this State," or the acts amendatory thereof or supplementary thereto, or article five of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, known as the railroad law, except so far as the said acts or either of them, would if this act had not been passed, authorize the appointment hereafter of any commissioners applied for as provided in section one of said act of eighteen hundred

and seventy-five, or in section one hundred and twenty of said act of eighteen hundred and ninety, in any city or cities containing a population of over one million inhabitants, according to the last preceding national or State census or authorize any commissioners already appointed pursuant to the provisions of such act or acts in any such city or cities, to fix, determine or locate any new route or routes, pursuant to the provisions of either of said acts. This act shall not be construed in any manner to affect the exercise or enjoyment at any time, and from time to time hereafter, of any right or rights heretofore acquired, exercised or enjoyed by any corporation heretofore duly incorporated and organized or deriving powers and rights under the laws of this State. This act shall not affect or impair the exercise or enjoyment of any right or rights now possessed or heretofore acquired or heretofore authorized to be acquired, exercised or enjoyed by any street surface railroad corporation, except as herein otherwise expressly provided, and this act shall not be construed to repeal or in any manner affect chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations, and to regulate the same," or either of the several acts amendatory thereof or supplementary thereto. This act shall not be construed to repeal or in any manner affect chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, known as the railroad law, except as hereinabove expressly provided, or except so far as the provisions of the same conflict with the provisions of this act. But nothing in this section contained shall prevent the board of rapid transit railroad commissioners from laying out a route for a railway and constructing a railway, and such board shall have the right to lay out such route and construct such railway, over, under, along or across any street in, along, under or over which there shall be any existing railway, provided that the routes so laid out by the said board and the railway so constructed by it shall so pass over or under or at the side of such existing railway as not to interfere with its operation.

Rights, etc.,
not
affected.

Certain
laws not
repealed.

Proviso as
to con-
structing
railways.

Chap. 520.

AN ACT to amend chapter three hundred and sixty-five of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for certain improvements in the eighth ward of the city of Brooklyn."

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Act amended.

Application of money to improvements of certain streets.

Improvements, how made.

Section 1. Section eight of chapter three hundred and sixty-five of the laws of eighteen hundred and eighty-nine, entitled "An act to provide for certain improvements in the eighth ward of the city of Brooklyn," is hereby amended by adding thereto the following: Any of such money that shall not be needed to pay for the improvements ordered to be made by the said commissioner of city works in the district fixed by the first section of this act may be applied by the said commissioner, in his discretion, to such improvements of the streets or avenues, or of any or either of them, that are situated within the district bounded by Thirty ninth street, Third avenue, Sixtieth street and the water front of said city; said improvements shall be made by contract, as are like improvements in said city, and all laws relating thereto shall be applicable to the improvements hereby authorized so far as the same are not inconsistent with the provisions of this section, and assessments shall be laid and collected therefor in like manner after the completion of any improvement. The provisions of section nine of this act shall not apply to the improvements hereby authorized.

§ 2. Section nine of said act is hereby amended so as to read as follows:

Filing of plans.

District of assessment.

§ 9. After the approval by the mayor of the general plan provided for in section four of this act, or of any amendment or addition thereto, said plan and any such amendment or addition shall be filed in the department of city works. The commissioner of city works shall thereupon proceed to lay out as many districts of assessment for said improvements, excepting for sewers, as he may deem proper, and shall file with the board of assessors of said city a certified copy of said plan, showing the

said several districts of assessment so laid out. Whenever the improvements covered by any such assessment district, except the constructing of sewers, shall be completed, the commissioner of city works shall deliver to the board of assessors a certificate wherein shall be set forth the amount of the entire cost of the improvements in said district, excepting for sewers, in detail, including a proportionate amount of the interest accrued on the bonds issued, as hereinbefore provided, to the date of said certificate, together with a map and statement showing the location and general character of the improvements, and the cost of each separate improvement, as nearly as the cost can be ascertained, and the said board of assessors shall thereupon apportion and assess the cost of said improvements upon the lands and premises within said district of assessment in proportion to the amount of the benefit derived by each of said lots without regard to the assessed valuation thereof, as in their judgment shall be just, and shall prepare a list showing the separate parcels of land so benefited, and the amounts apportioned and assessed upon the same respectively, and shall publish in each of the corporation newspapers once in each week, for four weeks successively, a notice to the effect that said list has been prepared, and that all persons interested therein may examine the same at the office of said board of assessors, at a special meeting thereof, to be held at a time and place to be specified in said notice, not less than thirty days after the first publication of said notice. The said board of assessors shall, at the time and place specified in said notice, and at any time or times to which said hearing shall be adjourned, proceed to hear the allegations and proofs of all parties who shall have presented such objections in writing, and after such hearing shall revise the said list apportioned and assessed, and correct the same as in their judgment shall seem proper and just, and shall complete the same and file a copy thereof, signed by the president and secretary of the said board of assessors, in the office of the clerk of the county of Kings. The corporation counsel of said city shall publish in the corporation newspapers, twice in each week, for two successive weeks, notice that an application will be made to the supreme court, at a special term thereof, to be held at the courthouse in the county of Kings,

Certificate of cost of improvements in district.

Apportionment and assessment of cost.

Review and correction of assessment.

Notice for confirmation of assessment.

Confirma-
tion by
court.

Levy of
assess-
ment in
install-
ments.

Collection
and pay-
ment of
install-
ments.

Lien upon
land.

Payment
of install-
ments at
one time.

at a time to be specified in said notice, for the confirmation of said apportionment and assessment. The court shall thereupon proceed to hear the arguments of the several parties who may have presented objections to said assessment to said board of assessors, and may confirm the same or return the same to the board of assessors for correction or amendment, and adjourn said hearing until the further return of said board thereon, and upon such return may confirm the said assessment and apportionment. The confirmation of said assessment and apportionment shall be final and conclusive upon all owners of lands and all persons affected thereby. The said board of assessors shall thereupon divide the amount apportioned and assessed upon each parcel of land affected thereby into ten equal parts or installments, and shall, before the fifteenth day of November in each year thereafter, levy and assess upon each of said parcels of land one of said installments, together with interest upon the same at the rate of six per centum per annum from the date of such confirmation to the first day of December in such year, and shall, on or before the fifteenth day of November in each year transmit to the collector of taxes and assessments a proper record of such levy, which record shall be to him a full and proper warrant for collecting the installments so levied. The said installments shall in each case be due and payable on the first day of December following the date of each return, and shall be collected in the same manner and be subject to the same rebate and default as is provided by law in the case of assessments in said city, and all the provisions of law applicable to the sale of lands for the nonpayment of assessments in said city shall apply to the said assessment provided for herein. Each one of the said several annual installments levied as aforesaid in each year shall be a lien upon the lands or parcels of land affected thereby only from the time the same shall be respectively levied. The owner of any parcel of land so assessed for said improvement may at any time after the first installment shall have become due and payable pay to the comptroller of the city of Brooklyn all the installments not levied of the sum made chargeable on said lands, as ascertained by the board of assessors, as provided for in this section of this act, and thereupon the said lands shall be discharged from all further liability on account of such assessment. For the purpose of making such payment such owner shall present

to the comptroller the certificate of the board of assessors, showing the amount of the said installments not levied, and upon receiving such payment the comptroller shall certify the same to the board of assessors, and said board shall cancel the assessments so paid. The collector of taxes and assessments shall cause to be printed on all bills made out in his office for installments of said assessment a reference to this act, and a notification that the remaining installments may be paid and cancelled in the manner herein provided. All moneys collected upon said assessment shall be applied first to the payment of the interest accrued and due on the bonds issued under the provisions of this act, and the surplus remaining after such payment shall be paid over to the commissioners of the sinking fund, and be held to apply to the payment of the said bonds and subsequently accruing interest. The expense of laying the sewers constructed in accordance with said plan shall be apportioned and assessed by the commissioner of city works in the same manner and with like proceedings as other assessments for sewers are laid in said city, and in pursuance of the laws relating thereto so far as the same are not inconsistent herewith; provided, however, that said assessments, including a proportionate amount of the interest accrued on said bonds shall be divided by the said commissioner of city works into installments in the same manner as the assessments for the other improvements authorized by this act, and the provisions of this section relating to such installments and the lien thereof to and the certificate thereof to the tax collector, and the collection and the payment thereof, and the application of the moneys collected thereon shall apply to said installments of the assessments for said sewers.

Tax bills
for install-
ments.

Applica-
tion of
moneys
collected.

Expense of
laying sew-
ers, assess-
ment and
collection
of.

§ 3. This act shall take effect immediately.

Chap. 521.

AN ACT to authorize the board of estimate and apportionment of the city of New York to examine the claim of R. Burnham Moffat and to include the same, or such part thereof, as may be justly due, in the taxes to be levied and raised for the year eighteen hundred and ninety-six, and to direct the comptroller of said city to raise sufficient money by the issue of revenue bonds for the payment of and to pay said claim, or such part thereof as may be audited and allowed by said board of estimate and apportionment.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Examina-
tion of
claim.

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized, in its discretion, to examine the claim of R. Burnham Moffat, arising for legal services rendered as counsel for the department of public charities and correction in the recent investigation before the State commission in lunacy of the New York city asylums for the insane, between the thirteenth day of June, eighteen hundred and ninety-four, and the eighteenth day of January eighteen hundred and ninety-five. If it shall satisfactorily appear to the said board of estimate and apportionment that such services were actually rendered, and that said claim is founded in equity and justice, then said board of estimate and apportionment is hereby authorized, in its discretion, to audit and allow as a charge against the city the amount of said claim or any part thereof, and to include in the taxes to be levied and raised for the year eighteen hundred and ninety-six, upon the estates subject to taxation in the city and county of New York, an amount sufficient to pay such sum as they may so audit and allow. The comptroller of the city of New York is hereby authorized and directed to raise such sum of money as may be necessary to pay said claim or such part thereof as may be audited and allowed by said board of estimate and apportionment as hereinbefore

Audit and
payment.

Issue of
revenue
bonds.

provided, by the issue of revenue bonds in anticipation of the collection of the taxes of the year eighteen hundred and ninety-six, and said comptroller is hereby further authorized and directed to pay over to said R. Burnham Moffat the moneys so raised for and upon said claim.

§ 2. This act shall take effect immediately.

Chap. 522.

AN ACT to amend chapter three hundred and sixty-six of the laws of eighteen hundred and ninety-four, entitled "An act to lay out and establish a public park in the twelfth ward of the city of New York, to be known as Saint Nicholas park, and for the improvement thereof."

Accepted by the city

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and sixty-six ^{Act amended.} of the laws of eighteen hundred and ninety-four, entitled "An act to lay out and establish a public park in the twelfth ward of the city of New York, to be known as Saint Nicholas park, and for the improvement thereof," is hereby amended so as to read as follows:

§ 1. All those pieces or parcels of land situate in the twelfth ^{Land ap-propriated for park.} ward of the city of New York, bounded and described as follows: Beginning at a point on the westerly side of Saint Nicholas avenue, where the southerly side of One Hundred and Thirtieth street, if extended or continued, would intersect the same; running thence northerly along the westerly side of Saint Nicholas avenue to the southerly side of One Hundred and Forty-first street; thence westerly along the southerly side of One Hundred and Forty-first street to a point distant two hundred feet easterly from the intersection of said southerly side of One Hundred and Forty-first street with the easterly side of Convent avenue; thence in a southerly direction and parallel with the easterly side of Convent avenue to the center line of Saint Nicholas terrace; thence in a southeasterly

and southerly direction along the center line of said Nicholas terrace to a point where the center line of One Hundred and Thirty-eighth street, if extended or continued, would intersect said center line of Saint Nicholas terrace; thence westerly and along the said center line of One Hundred and Thirty-eighth street to the easterly side of Tenth avenue; thence southerly along the easterly side of Tenth avenue to the center line of One Hundred and Thirty-sixth street; thence easterly along the said center line of One Hundred and Thirty-sixth street and crossing Convent avenue to a point on the easterly side of said Convent avenue where the said center line of One Hundred and Thirty-sixth street, if extended or continued, would intersect the same; thence still easterly along the said center line of One Hundred and Thirty-sixth street, if extended or continued, to the center line of Saint Nicholas terrace; thence southerly along the center line of Saint Nicholas terrace to the southerly side of One Hundred and Thirtieth street, if extended or continued; thence easterly along the southerly side of said One Hundred and Thirtieth street, if extended or continued, to the westerly side of Saint Nicholas avenue, at the point or place of beginning, are hereby laid out, appropriated and set apart as and for a public park, to be designated and known as Saint Nicholas park. The department of public parks of said city, in respect to said park, shall have and possess the same powers of control, maintenance, construction and jurisdiction which the said department has and now possesses under existing laws in respect to the other public parks of said city, except that the said Convent avenue, so far as it lies within the limits of said park, shall be kept open and maintained as a thoroughfare.

Powers of
depart-
ment of
parks.

Condemna-
tion pro-
ceedings
heretofore
instituted,
continued.

§ 2. The proceedings heretofore instituted by the mayor, aldermen and commonalty of the city of New York, under the act hereby amended, in the supreme court of the State of New York, to acquire title to the lands required for the Saint Nicholas park, shall, from and after the passage of this act, relate solely and be restricted to the lands described in the first section of this act, and the said proceedings shall be continued and completed as provided in the act hereby amended.

§ 3. This act shall take effect immediately.

Chap. 524.

AN ACT to amend chapter five hundred and seventeen of the laws of eighteen hundred and eighty-one, entitled "An act to establish a board of fire commissioners for the city of Rome," passed June fifteenth, eighteen hundred and eighty-one.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections fourteen and fifteen of chapter five hundred and seventeen of the laws of eighteen hundred and eighty-one, entitled "An act to establish a board of fire commissioners for the city of Rome," are hereby repealed. Sections repealed.

§ 2. All the provisions of sections one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six and one hundred and thirty-seven of article three of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," are hereby made applicable to the city of Rome. Provisions applicable to city.

§ 3. This act shall take effect immediately.

Chap. 526.

AN ACT to amend chapter thirty-four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine in the town of Pomfret a union free school district."

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter thirty four of the laws of eighteen hundred and fifty-eight, entitled "An act to make school district number nine in the town of Pomfret a union free school district," as amended by chapter one hundred and sixty-three of Act amended.

the laws of eighteen hundred and eighty-three, is hereby further amended to read as follows:

Election
of mem-
bers of
board of
education.

§ 3. There shall be elected in each year in school district number one of the town of Dunkirk, commencing with eighteen hundred and ninety-six two members of the board of education, who shall be residents and taxable inhabitants of said district, who shall hold their office for four years, and until others are elected or appointed in their places. The said election shall take place at the annual town and city election, when all persons who by law, are entitled to vote for members of the board of education in said district, may deposit their ballots, containing the name of

Canvass
and return
of votes.

one person designated for said office. The election inspectors of the several polling places in said town of Dunkirk, shall canvass the votes so cast for members of the board of education in the same manner that votes for town officers are canvassed, and make their returns of the same to the town board in the same way that returns for town officers are returned; and it shall be the duty of the town board to canvass the several returns so received, and to certify to the board of education of said district the name of the person receiving the greatest number of votes for member of said board of education, and who shall be declared elected as a

Appoint-
ment of
member by
town
board.

member of the board of education by said town board. The person receiving the next highest number of votes for member of the board of education, shall be appointed as a member of the board by said town board, and a certificate stating such appointment shall at once be sent to the secretary of the board of education by the clerk of the town board. No ballot containing the name of more than one person for a member of the said board of

Counting
of ballots.

education shall be counted, neither shall any person be permitted to cast a vote for a member of said board of education unless they shall have been registered as herein provided. It shall be the duty of the several boards of registration at the annual registration for the city and town election, to properly register in books prepared for that purpose by the clerk of said town, distinct and separate from those used for registering those who intend to vote for town and city officers, the names of all those who wish to vote for members of said board of education, and who are by

Registra-
tion of
voters.

Poll list and
duties of
inspector.

law entitled to vote for the same. Said inspectors shall also keep a separate poll-list of all those who vote for members of said

board of education, and shall have the same rights, powers and duties in regard to the care of the poll-lists and to those voting for members of said board of education, as to those voting for town or city officers and the poll-lists connected therewith. The persons hereafter elected as members of said board of education shall enter upon the duties of their office on the first Monday of May succeeding their election, which first Monday of May in each year after the passage of this act shall be the day for holding the annual meeting of said board of education. Hereafter the board of education of the said school district shall consist of eight members, and the terms of office of the following persons, now constituting said board of education, shall expire as follows: Clarence M. Reed and Daniel Scennell on the first Monday of May, eighteen hundred and ninety-six; William Zimmermann and Julien T. Williams on the first Monday of May, eighteen hundred and ninety-seven; Thomas C. Jones and Charles Flahaven, on the first Monday of May, in eighteen hundred and ninety-eight, and two persons to be appointed by the mayor of the city of Dunkirk, one from each of the two principal political parties in said town, whose terms of office shall expire on the first Monday of May, eighteen hundred ninety-nine. The two persons thus appointed by the mayor as members of said board of education, shall be named by him within ten days after the passage of this act, and they shall at once become members of said board. Whenever, in the opinion of said board of education, it becomes necessary to procure a new site and build a new schoolhouse thereon, it shall call a special meeting of the taxable inhabitants of the district, at which meeting the said board will state the cost of the proposed site and the estimated cost of the school building that is proposed to be erected thereon. If said special meeting approves of the recommendation of the board, said board may purchase the site and build the schoolhouse and necessary outbuildings thereon. Said board of education is hereby authorized to make such repairs and additions to schoolhouses already built on land owned by said school district, as shall in the judgment of said board be deemed necessary for the school interests of said school district; and for the purpose of paying for such additions or new building erected on land owned by said district, said board is hereby authorized to issue bonds or certificates of

Commencement of duties.

Number of members hereafter.

Terms of incumbents

Appointments by mayor.

Special meeting.

Purchase of site, etc., upon approval.

Repairs and additions to schoolhouses.

indebtedness, said bonds or certificates not to be sold for less than par or to draw more than four per centum interest, and made payable at such times as the board of education may deem for the best interests of said district.

Repeal. § 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 533.

AN ACT to authorize the village of Fredonia to issue bonds for enlarging and improving its water supply.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Village
may bor-
row money.**

Section 1. The trustees of the village of Fredonia, as water commissioners thereof, for the purpose of enlarging the capacity of the existing water-works, procuring lands and privileges for reservoirs and constructing the same, making any changes they may deem best for improving such water-works and for increasing the water supply of such village, may, upon obtaining the consent of the taxpayers of such village as hereinafter provided, borrow money from time to time upon the credit of such village, not exceeding in the aggregate the sum of twenty thousand dollars; and may issue bonds of such village to secure the payment of such loans. Such bonds shall be signed by the president and countersigned by the treasurer of such village, shall bear interest at a rate not to exceed four per centum per annum, shall be payable in such amounts and at such times as such trustees shall direct, except that no payment of the principal thereof shall be due before the year nineteen hundred and thirty and the entire principal shall be payable within ten years from such date, and such bonds shall be sold at not less than par.

**Issue of
bonds.**

**Consent of
taxpayers.**

§ 2. Such money shall not be borrowed or such bonds issued pursuant to this act until a majority of the resident taxpayers of such village, owning or representing as agent duly authorized to consent, more than one-half of the taxable property of such village appearing upon the assessment-roll of such village for the next preceding year shall have given their consent in writing

thereto, which consent shall be proved or acknowledged in the same manner as conveyances of real estate. The president and clerk of such village shall make an affidavit to the effect that such consent has been given, and such written consent with such affidavit endorsed upon or annexed thereto shall be filed in the county clerk's office of the county of Chautauqua and a certified copy thereof in the clerk's office of the village of Fredonia. Any trustee issuing, aiding or consenting to the issue of such bonds, contrary to the provisions of this act, shall be guilty of a misdemeanor. ^{Misdemeanor,}

§ 3. No bonds shall be issued in pursuance of this act until surveys, plans and specifications shall have been made by competent engineers, under the direction of such trustees, and approved by them, showing that such work of supplying such village with pure and wholesome water can be completed and paid for with the amount authorized to be raised under this act, according to such plans and specifications. The cost of making such plans, surveys, estimates and specifications shall be a village charge. ^{Survey, plans, etc.}

§ 4. If the authority to issue bonds under the provisions of this act shall not be obtained within two years after it shall take effect, then the power to issue bonds thereunder shall cease. ^{Power to issue bonds when to cease.}

§ 5. This act shall take effect immediately.

Chap. 534.

AN ACT to authorize the town of Caneadea, in the county of Allegany, to borrow money and to issue bonds therefor for the purpose of paying and satisfying a certain judgment against said town.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The supervisor of the town of Caneadea, in the county of Allegany, is hereby authorized and empowered to borrow on the credit of said town the sum of two thousand dollars or so much thereof as may be necessary for the purpose of paying and satisfying a certain judgment recovered against said town by Farley W. Gray. For the purpose of securing the pay- ^{Supervisor may borrow money.}

Issue and
sale of
bonds.

ment of said sum so borrowed, the town board of said town are authorized to forthwith issue its bonds, in such denominations as the said town board shall determine, but not exceeding in the aggregate the sum of two thousand dollars. Said bonds shall become due and payable as follows: One thousand dollars on the twelfth day of March, one thousand nine hundred and one, and one thousand dollars on the twelfth day of March, one thousand nine hundred and two; and shall bear interest at a rate not exceeding five per centum per annum, payable annually on the twelfth day of March in each year until the principal sum is paid. Said bonds shall not be sold for less than the par value thereof, and shall be signed by the supervisor and town clerk of said town.

Tax for in-
terest and
principal.

§ 2. It shall be the duty of the said town of Caneadea to make due provision by tax in each year for the payment of the interest falling due on said bonds and also for the payment of the principal when the same becomes due, and said interest and principal shall be assessed, levied, raised and collected in the same manner as any other public or general tax of the said town of Caneadea, and the money when collected shall be paid to the supervisor of said town and by him applied to the payment of said bonds and interest and for no other purpose.

§ 3. This act shall take effect immediately.

Chap. 536.

AN ACT to amend chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn," and the several acts amendatory thereof.

Accepted by the city.

BECAME a law May 3, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter
amended.

Section 1. Section sixteen of title four of chapter fifty-three of the laws of eighteen hundred and seventy-nine, entitled "An act to revise the charter of the city of Auburn," is hereby amended so as to read as follows:

Eligibility
to office.

§ 16. No person shall be eligible to any or either of the offices mentioned in this title, unless he shall be a resident elector of

said city, nor any or either of the ward offices herein mentioned unless he be a resident elector of the ward for which such officer is to be chosen; and whenever any person elected to any ward or city office shall cease to be a resident elector of the city or of the ward for which he shall have been elected, he shall be deemed thereby to have vacated his office, and the common council shall so declare. No person elected or appointed to any office created by this act, or by any special act relating to the city of Auburn, shall be eligible, or be elected or appointed to any other office in said city of Auburn, during the time such person may serve under such election or appointment. This provision shall not be construed as prohibiting or disqualifying the mayor from acting as a member of such municipal boards as he is made *ex officio* a member of.

§ 2. Section twenty-four of said act is hereby amended so as to read as follows:

§ 24. Each member of the common council shall have one vote ^{Voting by members of council.} except that on a motion, resolution or ordinance the mayor shall only vote when the votes of the other members present and voting are tied. When a ballot is taken, and when a vote is had upon the question of the removal from office of a person appointed by the council, the mayor shall vote with the other members.

§ 3. Section twenty-seven of said act is hereby amended so as to read as follows:

§ 27. Any person appointed to office under the provisions of ^{Removals from office.} this act, by the common council, may be removed at any time, by the concurring vote of seven members of said common council.

§ 4. Section thirty-three of said act is hereby amended by add- ^{Powers of council.} ing thereto, at the end thereof, subdivisions fifty, fifty-one and fifty-two as follows:

50. To prevent and punish horse-racing and immoderate and ^{Horse-racing.} reckless driving and riding in the streets and highways and across and over crosswalks.

51. To regulate and provide the width of tires upon wagons ^{width of tire upon wagons.} used in drawing and hauling heavy loads upon and over the paved, macadamized and improved roads and streets of said city, and to establish and provide a system of license fees, for ^{License for draught wagons.} the use of such wagons, to be paid by the owners or users thereof, based on the width of the tires used thereon.

Ordinances for good government, etc.

52. And such other and further ordinances, not inconsistent with the laws of the State, as shall be deemed expedient for the good government of the city, the protection of its property, the safety of its citizens, the preservation of peace and good order, the suppression of vice, the benefit of trade, the preservation and protection of the public streets, the preservation of the public health, the prevention and extinguishment of fires and the exercise of its corporate powers and performance of its corporate duties.

§ 5. Section forty-two of said act, as amended by chapter four hundred and eighty-two of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

Assessors, their powers and duties.

§ 42. The assessors shall perform the duties and possess the powers conferred upon the assessors of towns, and be subject to like obligations. They shall perform all the duties specified in this act, in reference to the assessment of property within the city for the purpose of levying the taxes imposed by the common council, or for defraying the expenses of local improvements and shall make and deliver to the city treasurer, on or before the first day of April in each year, a proper description of the lands on which taxes or assessments are levied and unpaid, with the names or* the owners or occupants, if known. They shall perform such other duties as the common council shall require and direct. For all services rendered by them they shall each receive an annual salary of seven hundred dollars, payable weekly.

Salary.

§ 6. Section fifty-three of said act, as amended by chapter one hundred and eighty-two of the laws of eighteen hundred and eighty-one, is hereby further amended so as to read as follows:

Recorder, his duties, powers and jurisdiction.

§ 53. The recorder shall hear all complaints made to him upon oath, against any person charged with the commission within said city, of a felony, misdemeanor, statutory offense or violation of any ordinance, and may compel the attendance of witnesses and examine them on oath, upon the hearing of such complaint. If he has reason to believe, from such examination, that the offense has been committed by the person charged, he shall issue his warrant in due form of law, for the apprehension of the offender. He shall possess the powers and jurisdiction and be subject to the liabilities of justices of the peace of towns,

* So in the original.

and may be removed in like manner. Subject to the power of removal provided for in chapter one of title six of the code of criminal procedure, the recorder's court shall have in the first instance, exclusive jurisdiction to hear and determine charges of misdemeanors committed within the city of Auburn. The recorder shall have exclusive jurisdiction, as against the city judge and justices of the peace, within the city, in all criminal matters and violations of city ordinances. All courts held by him, including such as have heretofore been denominated courts of special sessions, shall be known as the recorder's court. He may sentence any person convicted before him and fined for a violation of any ordinance, to imprisonment in the county jail until the fine be paid, not to exceed the period of imprisonment named in such ordinance. If at the time of such conviction the county of Cayuga has a contract with any penal institution for the keeping of prisoners, the recorder may sentence the persons so convicted (when the imprisonment is for sixty days or more) to be imprisoned in such penal institution instead of in said county jail. He shall receive, quarterly, from the sheriff of the county all money paid to said sheriff for fines imposed by said recorder, which, together with all other money received by him for like purposes, he shall pay over to the city treasurer. He shall report in detail to the common council, at its first regular meeting in each quarter, the names of all persons convicted and sentenced by him, with the date, offense charged and convicted of and penalty imposed, respectively, and all moneys received by him on account thereof, accompanied by a receipt from the city treasurer therefor.

Recorder's court.

Sentences for violation of ordinances.

Fines.

Quarterly reports.

§ 7. Section fifty-six of said act, as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

Process in city court.

§ 56. Process shall be made returnable before said court by its proper title, and may be signed and issued by the city judge or recorder; a summons commencing an action in said court, in substantially the following form, exclusive of the title of the action, and the signature (the blanks being properly filled), viz.: To the above-named defendant: You are hereby summoned to appear before the city court of the city of Auburn, at its rooms in the city hall in said city, on the day of at o'clock in the noon, there to answer the com-

Form of summons.

plaint of the above-named plaintiff in a civil action.—Dated Auburn, New York, day of , 189 , may be issued by any attorney admitted to practice in the courts of the State of New York, with the same force and effect in all things as if issued and signed by the city judge. Such summons shall be subscribed by the plaintiff's attorney and made returnable at ten o'clock a. m. or two o'clock p. m. on one of the days of the week designated by the city judge by order, as a regular return day, and shall be filed with proof of service thereof in the office of the city judge before the day on which it is made returnable. This provision in no manner affects the power of the city judge or recorder to issue summons in the form and manner provided by this title, but in addition thereto. The city judge shall have the powers and be subject to the liabilities (including removal from office) of justices of the peace in towns; in case of his absence or inability to act, the recorder or justice of the peace, upon the written request of said city judge or of the mayor (if the city judge shall not so request), shall hold said court, and shall possess all the powers of city judge in said city; the person so holding said court may hear, try and determine any case or proceeding over which said court shall have jurisdiction.

City judge,
powers,
etc., of.

Provision in
case of ab-
sence, etc.

§ 8. Section sixty of said act, as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

Jury list's,
how made
and filed.

§ 60. On the third Tuesday in May, eighteen hundred and ninety-five, and in every third year thereafter, the mayor, city judge, recorder and justice of the peace, or any three of them, shall meet at the office of the county clerk of Cayuga county and shall write the names of all persons on the jury list last made out, signed and filed by the officers of the town of Auburn in said clerk's office, with their additions, on separate pieces of paper, and deposit the same in a box to be provided for that purpose, and shall draw therefrom six hundred of said pieces of paper; a list of the names of persons so drawn, with their additions, shall be made and certified by the officers drawing the same and shall be filed in the office of the city clerk. As soon as such list shall be filed as aforesaid, the city judge, recorder and justice of the peace shall cause the same to be published in the official paper or papers of said city for three successive days, together with a

Publica-
tion of list

notice that on a day and hour to be named therein, which shall ^{Notice of} not be less than ten days from the time of the first publication ^{revises.} of said notice, they will attend at the city court-room to correct the same and hear evidence of exemption. On such day they shall ^{Hearing of} receive evidence of exemption in the same manner as authorized ^{evidence of} in courts of record, and no juror who does not then furnish proof ^{exemption,} of a legal exemption shall thereafter be allowed to claim an exemption when he shall be drawn and summoned for jury duty. This provision shall not apply to such persons as may become exempt after the final completion of such jury list. The names of the persons found exempt by law shall be struck from the list and the ground thereof noted thereon. When the list shall have ^{Filing of} been corrected and completed it, together with a certificate of ^{corrected} that fact, signed by the city judge, recorder and justice of the ^{list,} peace, and annexed thereto, shall be again filed in the office of the city clerk, who shall forthwith make and certify three copies of said corrected list, with the certificate annexed, and deposit them, one with the city judge, one with the recorder and one with the justice of the peace. Immediately thereafter the city ^{Ballots and} judge, recorder and justice of the peace shall each write upon ^{deposits of} separate pieces of paper, as nearly of a size as may be, the names ^{same in} of the persons appearing on said corrected list, and place them ^{jury box.} in a box or other receptacle provided for that purpose, to be known as "jury box number one."

§ 9. Section sixty-one of said act, as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and eighty, is hereby further amended so as to read as follows:

§ 61. Whenever a jury shall be demanded in any action or proceeding in which the party so demanding is entitled to the same, ^{Drawing} in either the city court of the city of Auburn, the recorder's court ^{and sum-} or the court of the justice of the peace, the presiding officer of ^{moning of} such court shall forthwith openly draw from jury box number one ^{jurors,} the names of eighteen persons, not then drawn or impaneled as jurors in actions then pending, who shall be summoned by venire issued by the presiding officer of said court, from whom a jury shall be drawn in the same manner as juries are required to be drawn in justices' courts of towns. Such presiding officer may order the constable or other officer in attendance, to summon from the bystanders or from the city at large, so many persons qualified to serve as jurors, as shall be sufficient to form a jury,

Fees. whenever a sufficient number of jurors duly drawn and summoned do not appear or shall not be required to serve. The persons so drawn shall receive the same fees as jurors in justices' courts to be paid by the party who shall call for a jury; whenever a jury is drawn in an action or proceeding in either court, the names of such jurors, with the time of trial of such action or proceeding, shall be certified to each of the other courts by the officer by whom they are drawn. Each of said courts may excuse any person so summoned for serving therein as a juror when it shall appear that he is summoned as a juror in any other court, for the same day. After the adjournment of the court at which a jury trial has been had, the presiding officer of said court must deposit the ballots containing the names of those who attended and served, in another box provided and kept for that purpose, to be known as "jury box number two." The ballots containing the names of those who did not appear or serve must be returned to jury box number one. If at any time there is not a sufficient number of ballots remaining in jury box number one, the presiding officer upon drawing all the ballots therein, must draw the necessary number from jury box number two, and thereafter continue to draw from that box until the ballots therein are exhausted, (returning the names of jurors who serve to jury box number one), and must continue to so draw from said boxes alternately, until a new list of jurors is deposited in his office as provided for in section sixty of this act. The provisions of the code of civil procedure relating to selecting, drawing and procuring the attendance of jurors in justices' courts, and the provisions of the code of criminal procedure, relating to the selection, drawing and procuring the attendance of jurors in courts of special sessions and police courts, so far as they conflict with the provisions of this act, shall not apply to the city court of the city of Auburn, the recorders' court or the court held by the justice of the peace.

Certificate of drawing to other courts.

Excuses.

Deposit of ballots drawn in jury box.

Drawing regulated.

Provisions of code not applicable.

§ 10. Section seventy-two of said act, as amended by chapter two hundred and twenty-one of the laws of eighteen hundred and eighty-four, is hereby further amended so as to read as follows:

Policemen. § 72. The said board may employ not to exceed twenty men, as policemen for said city, and so many special policemen without pay as they shall at any time deem necessary, who, during

the time they shall be so employed, shall possess the powers, per- Powers and duties.
 form the duties and be subject to the liabilities of constables
 of towns. Any of said policemen may arrest without process
 any person offending against the laws of this State, the provi-
 sions of this act, or the ordinances of the city within his view,
 and may enter any house, store, building or other place where
 any person has, in said policeman's hearing or presence, com-
 mitted any breach of the peace or violated any ordinance of said
 city, or where any riot, disorderly conduct, unlawful assemblage,
 noise, outcry, alarm or other disturbance shall be made, and
 bring the person so offending before the recorder or other magis-
 trate having jurisdiction, and enter the proper complaint for
 trial. Any person who shall resist or interfere with a police- Resisting
and inter-
ference
with po-
licemen.
 man in the lawful discharge of his duties shall be guilty of a
 misdemeanor, and upon conviction thereof shall be punished by
 a fine not exceeding one hundred dollars or by imprisonment
 in the common jail of Cayuga county not exceeding six months,
 or by both such fine and imprisonment. If at the time of such
 conviction the county of Cayuga has a contract with any penal
 institution for the keeping of prisoners, the recorder may sen-
 tence the person so convicted (when the imprisonment is for sixty
 days or more) to imprisonment in such penal institution instead
 of in said common jail. The salary fixed by the board of charities Salaries of
policemen.
 and police to be paid to the policemen appointed under this act
 shall be in lieu of all fees or charges; and no policeman so
 appointed shall receive any other compensation or reward in
 any case, except with the consent of said board.

§ 11. Section seventy-three of said act is hereby amended so
 as to read as follows:

§ 73. The said board shall appoint from the number so Chief and
captain of
police.
 employed a chief of police and a captain of police and shall, from
 time to time, prescribe rules and regulations for promoting and
 perfecting the discipline of the police. Each policeman shall Terms of
police, sus-
pensions,
etc.
 hold his office during good behavior, unless he resigns, is inca-
 pacitated or dismissed. Any policeman may be publicly reprimanded or suspended with or without forfeiture of pay for a
 period not exceeding twenty days by the chief of police, or may
 be deprived of any official position he holds in the department
 and reduced to the ranks or dismissed by the board of charities
 and police for the commission of any criminal offense, neglect

Dismissal
of police-
men.

of duty, violation of rules or regulations, disobedience of orders, absence without leave, corrupt or improper conduct, or conduct unbecoming an officer, breach of discipline or incapacity. No policeman shall be dismissed by said board until after an opportunity is given him to be heard before it, upon a notice of six days, accompanied with a copy of the charges preferred. The board of charities and police shall have the same power to issue subpoenas, compel the attendance of witnesses, administer oaths to witnesses and compel them to testify (in proceedings pending before it for the dismissal of a policeman) that is possessed by justices of the peace of towns in civil actions pending before them in which they have jurisdiction. Oaths to witnesses shall be administered and subpoenas signed by the presiding officer of said board.

§ 12. Section seventy-nine of said act is hereby amended so as to read as follows:

Rules for
relief of
poor.

§ 79. The said board shall adopt uniform rules and regulations by and under which assistance or relief shall be administered, and shall prescribe the manner in which orders therefor shall be issued and signed. It shall have the power, when practicable, to furnish temporary employment to indigent persons applying for relief, who are chargeable to the town of Auburn, agree with such persons on the compensation to be paid therefor, and pay the same in money.

Temporary
employ-
ment of
poor.

§ 13. Section eighty-two of said act is hereby amended so as to read as follows:

Board of
charities
and police
may bor-
row money

§ 82. The said board may borrow money on the credit of the town of Auburn, at a rate of interest not exceeding five per centum per annum, to pay claims audited by them, and to provide a fund for the payment of indigent persons to whom they furnish employment, under the provisions of section seventy-nine of this act. They shall issue bonds for the principal and interest thereof, signed by them, payable at the office of the city treasurer in said city, on the first day of February next ensuing, for all money borrowed prior to the first day of the annual session of the board of supervisors of Cayuga county, in each year. They shall certify to said board of supervisors, at their annual session each year, a schedule of claims audited, persons employed, the compensation paid them, and the bonds issued during the year to pay said claims and compensation.

Issue of
bonds.

Annual cer-
tificate to
super-
visors.

The bonds so issued shall be a charge upon the town of Auburn, and shall be collected and paid in the same manner as other town charges of said town are levied, collected and paid.

§ 14. Section eighty-six of said act, as amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows :

§ 86. In addition to the amount of money certified and ^{Annual city taxes.} reported by the board of education to be necessary for the expenses of the public schools under the charge of said board for the ensuing year, the common council may, each year, raise by tax, a sum not exceeding sixteen thousand dollars for the fire department; a sum not exceeding sixty dollars per hydrant for supply of water for the fire department; a sum not exceeding twenty-five thousand dollars, for lighting the streets and public buildings; a sum not exceeding sixteen thousand dollars, for compensation of police; a sum not exceeding five thousand dollars, for a health fund; a sum not exceeding fifteen thousand dollars, for salaries and compensation of city officers, and a sum not exceeding two thousand dollars for contingent expenses of the city.

§ 15. Section eighty-seven of said act, as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

§ 87. The common council may also raise by tax a sum not ^{Tax for highways and bridges.} exceeding sixteen thousand dollars for repairing streets and highways; a sum not exceeding ten thousand dollars, to construct or repair one or more bridges, said bridges to be constructed or repaired under the direction of the common council, by contract or otherwise; a sum not exceeding five thousand ^{For hose-house.} dollars, to build a hose-house; a sum not exceeding fifteen thousand dollars, to pave one or more streets, but neither of said ^{For street paving.} amounts shall be raised unless the common council shall have determined the same to be necessary, on or about the first day of May in such year, by a concurring vote of two-thirds of its members.

§ 16. Section ninety of said act is hereby amended so as to read as follows:

§ 90. The common council may at any time within six months ^{Assessment-roll, correction of.} after the completion of any assessment-roll, correct any error

Refunding
of taxes
and assess-
ments.

Reassess-
ment and
resale.

Sale of
lands for
unpaid
taxes, etc.

Description
of lands to
be pub-
lished.

Notice of
sale.

made in copying the same, or levying or extending the tax thereon, but ten days' previous notice in writing shall be given by the clerk to the party or parties affected thereby. The common council may order and cause to be stricken from any assessment-roll any property which is illegally assessed and wrongfully thereon, or the assessment of which is for any reason illegal or invalid, and may cancel and annul any tax extended and apportioned on such illegal or invalid assessment. If such tax or assessment has been paid or enforced by a sale of the lands on which it was levied or otherwise, the common council may cause the same to be returned to the person so paying or against whose property it has been enforced. In case any tax or assessment shall be void or have failed for want of jurisdiction, or from any omission, error or irregularity in the levying or assessment thereof, or in the sale or proceedings taken for the sale, of the real estate upon which it was assessed, the common council shall have power and it shall be its duty to cause the reassessment of the amount of such tax or assessment, or money so returned, upon the same real estate, or a resale thereof, which shall for all the purposes of this act, be deemed and taken to be an original assessment or sale, as of the date thereof, and the same proceedings shall be had and taken thereafter by the assessors, common council, city officers and constables that are provided in and required by the provisions of this act to be done and taken by them respectively, on during and after an original assessment or sale.

§ 17. Section ninety-six of said act, as amended by chapter two hundred and fifty-five of the laws of eighteen hundred and eighty-five, is hereby further amended so as to read as follows:

§ 96. The city treasurer shall on or before the first day of May, in each year, cause to be published in one daily paper in said city, for at least two weeks, a proper description of the lands on which taxes are levied and unpaid, with the names of the owners or occupants, if known, the amount and nature of the taxes, with a notice in substance, that if the same are not paid to him with ten per cent. and the expenses of publication added thereto, on or before the third Tuesday of May next thereafter, that he will sell the lands on which or in respect to which they are imposed, or cause the same to be sold at public auction, to the highest bidder, at twelve o'clock (noon), on that day from

the steps of the city hall in the city of Auburn, to pay the taxes, fees, interest and expenses thereon, which may remain unpaid at the time of such sale. On the day and at the hour named in said notice the city treasurer shall commence the sale of said real estate, and shall continue such sale from day to day until the whole thereof shall be sold. If the real estate or any parcel thereof shall sell for more than the amount of the tax, interest, additions and expenses aforesaid, the surplus shall be paid by the city treasurer into the county court of Cayuga county by delivering the same to the clerk thereof, accompanied by a statement of the facts connected therewith, and such court shall ascertain and determine upon application made to it for that purpose by any person interested, who is entitled to such money, and if it shall appear that such proceedings are valid and regular, shall order and decree its distribution and payment to the person or persons entitled thereto.

Sale of lands.

Disposition of surplus.

§ 18. Section ninety-seven of said act is hereby amended so as to read as follows:

§ 97. The treasurer shall execute to such bidder a certificate of sale, in which the lands purchased shall be described, and the sum paid therefor, and the nature of the tax shall be specified.

Certificate of sale.

§ 19. Section ninety-eight of said act is hereby amended so as to read as follows:

§ 98. If for any of said lands no bid shall be made, or if the highest amount bid shall be less than the tax, interest, additions and expenses thereon, the city treasurer shall declare the same sold to the city of Auburn, and in a book kept for that purpose shall enter said declaration with the description of said land and the amount of the tax, interest, additions and expenses thereon. If the taxes on such lands thereafter and before the city is entitled to the certificate hereinafter provided for are not paid, the city treasurer shall certify that fact to the common council, who shall order the same paid from the contingent fund. If such land is not redeemed as hereinafter provided, said corporation or its assigns shall acquire an absolute title in fee, and thereupon the mayor shall execute a certificate reciting said facts, which certificate may be acknowledged and recorded in the same manner as deeds of real estate, and said certificate or a copy thereof duly authenticated shall be presumptive evidence in all courts and places of the facts therein stated and of the regularity and cor-

Sale of lands to city.

Mayor's certificate of sale.

Provisions
applicable
when lands
sold to city.

rectness of said sale and of all proceedings prior thereto. All of the provisions of section one hundred and two of this act shall apply to the city when lands are so declared sold to it, and the city treasurer shall give the notice and do and perform all the acts therein required to be done and performed by a "purchaser" before the city shall acquire the absolute title in fee to the real property so declared sold to it.

§ 20. Section ninety-nine of said act is hereby amended so as to read as follows:

Redemp-
tion of
lands.

§ 99. The owner of or any person interested in any real property sold for taxes as aforesaid may redeem the same at any time within two years after the date of such sale by paying to the city treasurer for the use of the city or purchaser upon such sale, his heirs or assigns, the sum for which said real property was sold and any subsequent taxes paid by the city or person purchasing at such sale, his heirs or assigns, with interest thereon at the rate of ten per centum per annum on such amount, to be calculated from the dates of such certificate and subsequent payment. If upon any such sale any parcel of land be sold for more than the amount then due for the tax, fees, interest and expenses, the certificate delivered to the purchaser shall draw interest at the rate aforesaid only upon the amount so due, and legal interest upon the excess over such amount.

§ 21. Section one hundred of said act is hereby amended so as to read as follows:

Deed to
purchaser.

§ 100. If the land so sold for taxes shall not be redeemed in two years after such sale, as provided in the preceding section, the common council shall direct the mayor and city clerk to execute and deliver to the purchaser, his legal representatives or assigns, a deed under the corporate seal of the city, which deed shall contain the date thereof, the fact of the assessment, a description of the lands, the advertisement and sale, and that such lands have not been redeemed within the time required by law, and shall be presumptive evidence in all courts and places, that such assessment and tax were legally imposed, and that due proceedings to authorize said sale were had. Such deed shall vest in the grantee an absolute estate in fee.

§ 22. Section one hundred and one of said act is hereby amended so as to read as follows:

Possession
how
obtained

§ 101. The city upon the execution of the certificate, and the grantee or his assigns upon the delivery of the deed, shall be

entitled to the immediate possession of said lands and may obtain the same if necessary, by summary proceedings in the same manner as provided by law in cases of tenants holding over after the expiration of their terms without the consent of their landlords.

§ 23. Section one hundred and two of said act is hereby amended so as to read as follows:

§ 102. Notice shall be given by the purchaser of any real property sold for taxes under the provisions of this act, to the owner in fee, occupant, guardian of any infants having an interest therein, mortgagee, judgment creditor whose judgment is a lien thereon, purchaser upon any prior tax sale of the same property, or the heirs and assigns of any or either of them, at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall be written or partly written and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the amount of the tax, additions, interest and expenses required to be paid upon such redemption, and that the money therefor is to be paid to the city treasurer for the use of the person giving such notice. Such notice shall be served personally or left with some person of suitable age and discretion, at the residence or place of business of any and all persons entitled thereto, if they or either of them reside in the city of Auburn or have a place of business therein; in case they or any of them do not reside or have a place of business in said city, such notice shall be deposited enclosed in a sealed envelope, postage paid, in the post-office, addressed to them at the post-office at or nearest their known place of residence; if the residence or address of any such person or persons be not known such notice shall be published at least once a week for three months prior to the day therein named as the last day for redemption, in the newspaper in which the notice of sale was originally published. The expense of mailing and publishing such notices, and of all necessary official searches to ascertain the persons entitled to such notice, shall be certified to the city treasurer by the person incurring or paying the same, and if received by said treasurer before such land is redeemed the amount thereof shall be added to and become a part of the

Notice by
pur. h. & c. r.
to owner,
mortgagee,
etc.

Service of
notice.

Lien of person redeeming lands.

amount required and necessary to be paid for the redemption of said real property. Such notices shall not be served, nor shall the publication thereof when required be commenced, within eighteen months after the date of the certificate. If any person having a lien by mortgage or judgment upon the lands so sold for taxes, or purchaser at any prior tax sale, of the same property, shall redeem from such sale he shall have a further lien on the premises for the amount paid, with the interest which may thereafter accrue, at six per cent. per annum, in like manner as if the same had been included in his mortgage, judgment or certificate of sale, and the sale shall have no further effect. The words "he" and "his" as used in this and the last three preceding sections comprehend, include and refer to all purchasers upon tax sales and persons redeeming therefrom, whether male or female and whether a natural person or corporation. The word "person" includes a corporation as well as a natural person.

Words used defined.

§ 24. Section one hundred and nine of said act, as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

Street repairs, of annual determination of council as to.

§ 109. The common council shall, on or before the fifteenth day of May in each year, determine what portion of the moneys determined by it as necessary to be raised for repairing streets and highways shall be used for such repairs and what portion shall be reserved for contingent repairs during the current year. The

Mayor may improve streets.

mayor may grade, regrade, pave, repave, flag, reflag, macadamize or cover with hard material and improve and repair streets, highways, public lanes, alleys, parks and squares in said city. The expense of all street repairs shall be paid out of and from the

Paving and repaving, what included in.

money set apart by the common council as aforesaid. In proceedings for paving or repaving a street or any part thereof (other than repairs), such paving or repaving shall include the furnishing, grading for and setting or resetting, when needed, of the curb and gutter on both sides of the street. When a street or any part thereof is paved or repaved (excepting repairs) and completed, the common council shall determine the aggregate cost of the improvement including the furnishing, grading for, setting and resetting of curbs and gutters, and shall direct the payment thereof from the paving fund.

Payments from paving fund.

§ 25. Section one hundred and twelve of said act, as amended by chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine, is hereby further amended so as to read as follows:

§ 112. When the mayor shall grade or regrade a street, highway, public lane, alley or square, which is already provided with sidewalks, curbs and gutters, laid or set according to grades previously established by said mayor or heretofore established by the common council, and in so doing shall change the line of grade or curbstone or gutter, the grading and regrading for sidewalks and the resetting of curbstone and gutter shall be done and the expense thereof defrayed in the same manner as other improvements upon streets, highways, public lanes, alleys and squares, except as otherwise provided in section one hundred and nine of this act.

Changes in street grade, etc., expenses how defrayed.

§ 26. Section one hundred and thirteen of said act is hereby amended so as to read as follows:

§ 113. The owner or occupant of lands fronting or abutting on any street, highway, traveled road, public lane, alley or square, shall make, maintain and repair the sidewalk adjoining his lands and shall keep such sidewalk and gutter free and clear of and from snow, ice and all other obstructions. Such owner or occupant and each of them shall be liable for any injury or damage by reason of omission, failure or negligence to make, maintain or repair such sidewalk or to remove snow, ice or other obstructions therefrom, or for a violation or nonobservance of the ordinances relating to making, maintaining and repairing sidewalks, and the removal of snow, ice and other obstructions from sidewalks, curbstones and gutters.

Sidewalks, owners to maintain, repair and clean.

Liability for damages.

§ 27. Section one hundred and twenty of said act, as last amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows:

§ 120. The common council after notice to parties interested and hearing thereon, and after confirmation or correction of the report of the commissioners, if lands are taken, may make, alter or repair sewers, and may purchase any material needed and cause the labor to be done by or under the direction of the street superintendent, city surveyor, committee on drains and sewers, or either of them, or may cause the same to be done by contract,

Construction, etc., of sewers.

Contracts
and pro-
posals
therefor.

in which latter case it shall cause a notice to be published for one week in a daily newspaper in said city, describing briefly the sewer to be constructed, altered or repaired, and that sealed proposals to contract therefor, or for some part thereof, to be specified, will be received by the mayor for the time named in said notice. Each sealed proposal must be accompanied by a bond, signed by the party or parties so proposing, and by two or more sureties, justifying in all in double the sum for which the party proposes to do the work. At its next meeting the mayor shall present to the common council all sealed proposals received by him and the same shall be opened and considered. The common council may reject any or all of the proposals if it deem it for the interest of the city so to do. If either of said proposals is deemed favorable to the city, and the bond accompanying the same is acceptable, the common council may direct the mayor and city clerk to contract with the party whose proposal is accepted. The common council may appoint a supervisor and inspector of said improvement and fix his compensation. The common council may at any time when a sewer is being constructed, altered or repaired, whether within or without a sewer district, pay to the contractor such portion of the contract-price, not exceeding the value of the work then done, as it may deem advisable, but such payment, if made, shall not be an acceptance of that portion of the sewer then completed or a waiver of any of the rights of the city with reference thereto. Such payments may be made from the contingent fund, or the common council may borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum to make such payments, in which event it shall direct the mayor and city clerk to execute and deliver to the person or corporation from whom said money is borrowed an obligation therefor, signed by them, payable at the city treasurer's office at the time when the contract for said improvement provides the work shall be fully completed, and when due may extend the time of payment of said obligation if necessary, but not beyond the time when said improvement is actually completed. If any sewer, whether within or without a sewer district, shall be constructed, altered or repaired by the common council, as hereinbefore authorized, it may borrow the money required therefor as needed during the progress of the

Supervisor
and in-
spector.

Payments
for work.

work in the same manner as last hereinbefore provided. When a sewer, or the repair or alteration thereof, is completed, or a street laid out, opened, straightened, widened or altered, the common council shall determine the aggregate cost of the improvement, including interest paid or payable upon any obligation given as hereinbefore provided, compensation of inspectors, supervisors and all other disbursements connected therewith, and if the improvement is a sewer constructed, altered or repaired within a sewer district created as hereinbefore authorized, shall borrow money, upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to pay for such improvement and shall direct the mayor and city clerk to issue ten bonds, signed by them, for the principal and interest thereof, each bond to be one-tenth of the whole amount as near as may be, payable at the city treasurer's office in said city, one in one year from their date, and one each successive year thereafter. The common council shall thereupon add to such ascertained cost interest upon the whole amount of said bonds, until the same become, by their terms, due and payable and shall by resolution direct the city clerk to divide the total amount so ascertained and declared, into ten equal parts or installments, as near as may be (conforming to the amount of said bonds), and add one of said parts or installments to the annual city tax upon all taxable real property situate within such sewer district, as well as upon all real property owned by persons, charitable, benevolent, religious, and educational corporations or societies exempt by law from general taxation, apportioning the same thereon according to the valuation of said property in the assessment-roll for that year and each year thereafter until the whole thereof is paid and after such addition by said city clerk, the aggregate amount in each case, shall be regarded and described in all proceedings as "tax" and shall be collected in the same manner, with like percentage, power and effect as the annual city taxes are now or may hereafter be collected. Any and all parcels of property lying partly within and partly without any sewer district created under the provisions of this act shall be deemed and held to be wholly within said sewer district for the purposes of this act. The assessors of said city are hereby authorized and directed to add

Determination of cost of street and sewer improvements.

Sewers, to borrow money and issue bonds for.

Interest added to cost.

Installments.

Annual tax therefor in sewer district.

The addition of exempted property.

Reimbursement of contingent fund.

Improvements except sewers, issue of bonds for.

Assessment of cost, etc.

Limitation of bonds.

Recital in bonds.

all exempt property situate within sewer districts created under the provisions of this act, to the assessment-rolls, each year hereafter, placing the assessed valuation thereof in a separate and additional column to be headed "exempt for all purposes except for the construction, alteration and repairs of sewers within sewer districts." When the bonds hereinbefore directed to be issued upon the completion of the improvement, are negotiated, the common council shall cause to be deducted from the avails thereof any sum taken from the contingent fund of the city or borrowed, as hereinbefore authorized, which sum shall be paid to the city treasurer who shall place the same in and to the credit of said contingent fund, if taken therefrom, or pay with it the obligation or obligations held by the person or corporation loaning the money evidenced thereby, or their assigns. Upon determining the aggregate cost of any other improvement authorized by this title, the common council shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum, to pay for such improvement, and shall direct the mayor and city clerk to issue bonds for the principal and interest, signed by them, payable at the city treasurer's office in said city in two installments one in one year and the other in two years from their date. The common council shall thereupon add to the ascertained cost of said improvement interest upon the whole amount of said bonds to be issued therefor until the last installment of said bonds becomes due, and shall by resolution direct the assessors to assess the whole thereof upon the real property benefited by such improvement as near as may be in proportion to the benefits received. The amount of bonds outstanding at any one time, exclusive of bonds issued in payment for sewers constructed, or in process of construction, within sewer districts, shall not exceed the sum of fifty thousand dollars. All bonds issued under the provisions of this title, or title seven of this act, shall contain a recital that they are issued pursuant to and in conformity with, the provisions of title seven or title ten (as the case may be) of the charter of the city of Auburn, which recital shall be conclusive evidence of their validity and of the regularity of their issue.

§ 28. Section one hundred and twenty-one of said act, as amended by chapter two hundred and fifty-five of the laws of

eighteen hundred and eighty-five, is hereby further amended so as to read as follows :

§ 121. Upon receipt of a copy of said resolution, the assessors shall immediately proceed to view the locality of the improvement, and shall assess the amount directed upon the real property benefited by such improvement, as near as may be, in proportion to the benefits received, and shall make and subscribe an assessment-roll thereof. Upon the completion of said assessment-roll, the assessors shall give five days' notice, by publication in a daily paper published in said city, of the fact that said assessment-roll is made, that the same can be seen and examined at the assessor's office, and that at the time appointed in said notice, which shall be within thirty days from the receipt of said resolution, they will hear the objections of parties interested. Said notice shall contain the names of all persons appearing upon such assessment-roll. At said time the assessors shall hear objections, and may adjourn, from time to time, not exceeding in all ten days, for that purpose. They may add to such assessment roll any property liable to assessment which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property, by mailing a copy of the same addressed to such owner, agent or occupant, at his last known place of residence, at least three days before the final correction of such roll. At the time fixed by the published notice, or upon any adjourned day, the said assessors may correct and change any of the amounts in said assessment-roll, either by increasing, diminishing, or omitting the same altogether, according to the justice of the case. The assessment-roll, when completed, shall be immediately filed in the city clerk's office, and thereafter the respective amounts assessed therein shall be a lien upon the lands upon which the same is assessed.

§ 29. Section one hundred and thirty-one of said act, as last amended by chapter two hundred and twenty-six of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows:

§ 131. Said board shall establish rules and regulations for the appointment, discharge and dismissal of officers and members; for the hearing and trial of complaints, the settlement of disputes and for the government and discipline of the fire department.

Suspensions, removals, etc.

ment. Any member of the fire department may be publicly reprimanded or suspended with or without forfeiture of pay for a period not exceeding twenty days by the chief engineer, or may be deprived of any official position he holds in the department, and reduced to the ranks, or dismissed by the board of fire commissioners, for the commission of any criminal offense, neglect of duty, violation of rules or regulations, disobedience of orders, absence without leave, breach of discipline or incapacity. No member of the fire department shall be dismissed by the board of fire commissioners until after an opportunity is given him to be heard before it, upon a notice of six days, accompanied with a copy of the charges preferred. Said board shall have the same power to issue, subpoenas, compel the attendance of witnesses, administer oaths to them and compel them to testify (in proceedings pending before it for the dismissal of a member of the fire department), that is possessed by justices of the peace of towns, in civil actions pending before them, in which they have jurisdiction. Oaths to witnesses shall be administered and subpoenas signed by the presiding officer of said board.

Dismissals and proceedings.

§ 30. Section one hundred and forty of said act is hereby amended so as to read as follows:

Actions against city for personal injury.

§ 140. No action shall be maintained against the city of Auburn for any personal injury resulting from a defective or dangerous sidewalk, unless a written notice signed by the person injured, his agent or legal representative, specifying the character of such injury, the time when and the place where the same was received, accompanied by notice of an intention to commence an action against the city therefor, shall be filed in the office of the city clerk within sixty days after such injury, if notice presented by or in behalf of such injured person and within six months thereafter if presented by his legal representatives. The city clerk shall report all such notices filed in his office and all notices filed in his office of the defective or dangerous condition of sidewalks to the common council at its next meeting after such filing. All actions brought against the city to recover damages for personal injuries caused by negligence shall be commenced within one year from the time of receiving such injuries. No costs, fees, disbursements or allowances shall be recovered or inserted in any judgment against the city, of

Commencement of action.

Recovery of costs, etc., against city and officers.

Anburn, or against any of its officers or authorized agents, when said city would be liable to respond to such officer or agent, unless the claim, whether arising on contract, express or implied, negligence or tort, upon which such judgment is founded, shall have been presented for payment to the common council at least thirty days before the commencement of an action thereon.

§ 31. All existing rights, both public and private, under present laws are hereby expressly preserved.

§ 32. This act shall take effect immediately.

Chap. 537.

AN ACT to authorize the police commissioners of Brooklyn to inquire into and determine the claim of William L. Bailey to be placed upon the pension-roll of the police department of said city.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The police commissioner of the city of Brooklyn is hereby authorized to inquire into the claim of William L. Bailey to be placed upon the pension-roll of the police department of said city; and if, upon investigation, it shall appear to the said commissioner that the claim of the said William L. Bailey is a just and reasonable claim, notwithstanding his term of service was less than twenty years, the said commissioner is hereby authorized and empowered in his discretion to place the name of the said William L. Bailey upon the pension-roll of said police department with such annual allowance, from the time his name is placed on said roll, as his rank, while in active service as patrolman in the police force of said city, would entitle him to receive under chapter four hundred and thirty-eight of the laws of eighteen hundred and seventy-seven.

§ 2. This act shall take effect immediately.

Chap. 538.

AN ACT to amend chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter five hundred and eighty-five of the laws of eighteen hundred and ninety-three, entitled 'An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year eighteen hundred and ninety-three.'"

Accepted by the city

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Charter amended.

Section 1. Chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter five hundred and eighty-five of the laws of eighteen hundred and ninety-three, entitled 'An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year eighteen hundred and ninety-three,'" is hereby amended so as to read as follows:

Annual appropriation for celebration.

§ 1. It shall be lawful for the board of estimate of the city of Brooklyn, county of Kings, to make provision in its annual estimate for city purposes, an appropriation for the celebration of Memorial day, in the said city of Brooklyn, and all moneys, except as hereinafter specified, raised in pursuance of any such appropriation may, with the approval of the mayor, comptroller and auditor of said city, be paid to the treasurer of the memorial committee of the Grand Army of the Republic of said city, to be by said committee expended for the purposes aforesaid.

Payment to war veterans' association regiments.

§ 2. All moneys raised in pursuance of such appropriation and set apart for the use of the fourteenth, forty-eighth, one hundred and seventy third, fifty-sixth, sixty-seventh, ninetieth, one hundred and thirty-ninth and one hundred and fifty-eighth war veterans' association regiments, may, with the approval of the mayor, comptroller and auditor of said city, be paid to the treasurer of each of said war veteran association regiments.

§ 3. This act shall take effect immediately.

Chap. 539.

AN ACT to amend sections twenty-four, forty-six, fifty-five, fifty-six and fifty-seven of title fourteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," as said title is amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-four, relating to the building department of the city of Brooklyn.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

Section 1. Sections twenty-four, forty-six, fifty-five, fifty-six and fifty-seven of title fourteen of chapter five hundred and eighty-three of the laws of eighteen hundred and eighty-eight, entitled "An act to revise and combine in a single act all existing special and local laws affecting public interests in the city of Brooklyn," as said title is amended by chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-four, is hereby amended so as to read as follows:

Charter amended.

§ 24. No frame or wooden building or structure shall hereafter be built except as in this section authorized in that portion of the city of Brooklyn within the following boundary line: Beginning at a point on the East river formed by the intersection of North Fourth street into the boundary line of the city of Brooklyn on the East river, running thence along the boundary line of the city of Brooklyn on the East river, Gowanus bay, Gowanus canal and New York bay to a point one hundred feet south of Sixtieth street; thence easterly on a line drawn one hundred feet south of and parallel to the southerly side of Sixtieth street to Eighth avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Eighth avenue to Thirty-ninth street; thence easterly on a line drawn one hundred feet south of and parallel to the south side of Thirty-ninth street to Fort

Fire limits, to be underlain of.

Hamilton avenue; thence northeasterly on a line drawn one hundred feet south of and parallel to the southerly side of Fort Hamilton avenue, Ocean parkway and Franklin avenue to Flatbush avenue, between Robinson street and Clarkson avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Flatbush avenue to its junction with Franklin avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Franklin avenue to Crown street; thence easterly on a line drawn one hundred feet south of and parallel to the southerly side of Crown street to its junction with Albany avenue; thence northeasterly on a line drawn one hundred feet east of and parallel to the easterly side of Albany avenue to Fulton street; thence easterly on a line drawn one hundred feet south of and parallel to the southerly side of Fulton street to Stone avenue; thence northerly on a line drawn one hundred feet east of and parallel to the easterly side of Stone avenue to Broadway; thence northwesterly on a line drawn through the center of Broadway to Flushing avenue; thence northerly on a line drawn through the center of Flushing avenue to Bushwick avenue; thence easterly on a line drawn through the center of Bushwick avenue to Ten Eyck street; thence westerly on a line drawn through the center of Ten Eyck street to Union avenue; thence northerly on a line drawn through the center of Union avenue to North Second street; thence westerly on a line drawn on the center of North Second street to a point at the intersection of North Second street, Roebling street and North Fourth street; thence northwesterly on a line drawn through the center of North Fourth street to a point or place of beginning. Excepting from said limits that portion of the city lying between Prospect park and Greenwood cemetery and

Erection of
buildings,
etc., within
limits.

Temporary
frame
buildings.

bounded on the north by the boundary line of the twenty-second ward and bounded on the south by a line drawn one hundred feet north of and parallel to the north side of Fort Hamilton avenue. Temporary one-story frame buildings may be erected for the use of builders within the limits of lots whereon buildings are in course of erection, or on adjoining vacant lots, upon permits issued by the commissioner of buildings, such permits may be revoked at any time, and all such buildings must be removed by the parties erecting the same when and as ordered

By the said commissioner. Fences of wood shall not be erected ^{Fences and signs.} over ten feet high. Signs of wood shall not be erected over two feet high on any building. No signs of wood constructed upon uprights or other supports shall be at any point more than ten feet above curb level. Piazzas or balconies of wood which do not exceed eight feet in ^{Piazzas or balconies of wood.} width, and which do not extend more than three feet above the second-story floor beams, may be erected, but only upon a permit from the commissioner of buildings. The roofs of all piazzas shall be covered with some fireproof material. Sheds ^{Sheds of wood and frame structures.} of wood not over twelve feet high, open on at least one side, with the sides and roof thereof covered with fireproof material, and frame structures not exceeding fifty square feet in area and eight feet in height may be built, but only upon a permit from the commissioner of buildings. No fence shall be used as the back or side of any shed. Any bay or oriel window that does ^{Bay or oriel windows.} not exceed more than three feet above the second-story floor-beams of any dwelling-house may be built of wood. No empty packing boxes, nor other wooden cases or barrels shall be piled ^{Permits to pile empty boxes, etc., within limits.} or placed, or be allowed to accumulate in or upon any lot or building within the fire limits except upon a permit which may be granted by the commissioner of the department of buildings upon such conditions and under such regulations as he may deem proper. Said permit may be revoked at any time. Nothing in this section contained shall be construed so as to limit ^{Proviso as to enlargement of limits by council.} in any way the authority now conferred by law upon the common council of the city of Brooklyn to enlarge or extend the fire limits, so as to include outlying sections of the city surrounding the area above described.

§ 46. Every house, building or portion thereof, in the city ^{Ventilation of tenement or lodging-houses.} of Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging-house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house; or where this is, from the

relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall an adequate and proper ventilator, of a form approved by the commissioner of the department of buildings.

Open space
of ground
adjoining
tenement
or lodging-
houses.

§ 55. It shall not be lawful to erect for, or convert to, the purposes of a tenement or lodging-house, a building on any lot where there is another building on the same lot, or to erect any building on any lot where there is already a tenement or lodging-house, unless there is a clear, open space exclusively belonging thereto, and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; and if they are more than

Occupation
of city lots
by such
houses.

three stories high, the distance between them shall not be less than twenty-five feet. No one continuous building shall be built for or converted to the purposes of a tenement or lodging-house in the city of Brooklyn upon an ordinary city lot, and no existing tenement or lodging-house shall be enlarged or altered, or its lot be diminished so that it shall occupy more than seventy per centum of the said lot and in the same proportion if the lot be greater or less in size than twenty-five by one hundred feet; and there shall be and remain a clear open space of not less than ten feet between the rear end

Proviso as
to corner
lots.

of said lot and any building thereon; but in the case of corner lots, the building or buildings may, by special permit from the commissioner of buildings, be made to occupy not more than ninety per centum of the lot. No building or premises occupied for a tenement-house shall be used for a lodging-house, private school, stable or for the storage or handling of rags, unless with a permit in writing from the board of health; but nothing herein contained shall be construed to apply to a building or premises so used for a stable prior to June first, eighteen hundred and ninety-five. In case of any violation of

Occupation
of tenement
houses re-
stricted.

Violation
of pro-
visions; in-
junction
restraining.

the provisions of this section, or of any failure to comply with, or any violation of the terms and conditions of the plan for such tenement or lodging-house, approved by said department of

buildings or the conditions of the permit granted by the department of buildings for such house, or for the air, light and ventilation of the same, any court of record, or any judge or justice thereof, shall have power, at any time after service of notice of violation, or of non-compliance, upon the owner, builder or other person superintending the building or converting of any such house, upon proof by affidavit of any violation or non-compliance as aforesaid, or that a plan for light and ventilation of such house has not been approved by the department of buildings, to restrain by injunction order, in an action by the city of Brooklyn, the further progress of any violation as aforesaid. No undertaking shall be required as a condition of granting an injunction or by reason thereof.

§ 56. In every such house hereafter erected or converted every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such rooms. Every such room shall have at least one window connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with the external air shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet six inches above the floor; and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation, by a separate air-shaft extending to the roof, or otherwise, as the department of buildings may prescribe. But in all houses erected or converted, after June first, eighteen hundred and ninety-five, which shall be used, occupied, leased, or rented for a tenement or lodging-house, every room used, let, or occupied by any person or persons for sleeping shall have at least one window, with a movable sash, having an opening of not less than twelve square feet, admitting light and air directly from

Height of
rooms be-
tween floor
and ceiling.

Windows
or ventil-
ators.

Air-shafts
in certain
cases.

Windows in
houses
erected
after June
1, 1895.

the public street or the yard of the said house, unless sufficient light and ventilation shall be otherwise provided, in a manner and upon a plan approved by the department of buildings.

Chimneys
and open
fireplaces.

§ 57. Every such house erected or converted after June first, eighteen hundred and ninety-five, shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the commissioner of the department of buildings. It shall have Ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, as the health commissioner may designate, so that the same may be adequate and reasonably convenient for the use of the occupants thereof.

Ash re-
ceptacles.

Cellar
floors.

Halls on
each floor.

Water sup-
ply.

§ 2. This act shall take effect immediately.

Chap. 540.

[AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," relating to the American Fine Arts Society.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Consolidation
act
amended.

Section 1. Section eight hundred and twenty-four of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city

of New York," is hereby amended by adding thereto a new subdivision, to be numbered subdivision eighteen, to read as follows:

18. The real and personal property belonging to the American Fine Arts Society, and that held by it under lease from others when the lessee is required to pay the annual taxes, but such exemptions shall continue only so long as such property is actually used for the purposes for which said society was incorporated.

Exemption
of American
Fine Arts
Society
from
taxation.

§ 2. This act shall take effect immediately.

Chap. 541.

AN ACT to enable the board of estimate of the city of Brooklyn to ascertain and determine the deficiencies arising in the twenty-ninth, thirtieth and thirty-first wards of the city of Brooklyn, by reason of a failure of means to pay claims against and obligations of the said several wards and the several parts or districts thereof, and to provide means for the payment of such claims and obligations.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate of the city of Brooklyn are hereby authorized and empowered to inquire into, ascertain and determine what if any claims or obligations now exist unpaid and past due against either of the late towns of Flatbush, Gravesend and New Utrecht or against any school district, part or other district of either of said towns, to the payment of which no means are now provided or applicable, and also to ascertain and determine what if any such claims or obligations will accrue and become due and payable during the year eighteen hundred and ninety-five, for the payment of which no means have been provided or are applicable. For the purposes afore-

Determina-
tion of
unpaid
claims and
obligations

Power to
summon
witnesses,
etc.

power to summon witnesses, administer oaths and send for persons and papers and any person swearing falsely before them shall be deemed guilty of perjury and upon conviction be punished as for that crime.

Records
and
reports of
proceed-
ings, etc.

§ 2. The said board shall keep a record of their proceedings and of their finding and determination with respect to all claims and obligations passed upon by them, and shall from time to time make report thereof to the common council of said city. The claims and obligations found, ascertained and allowed by said board shall be charged against the territory or district which under the laws existing at the time of the annexation of the said towns to the city of Brooklyn they would have been charged had not such towns been so annexed, and the said board of estimate shall also make report of their action upon such claims and obligations to the board of supervisors of the county of Kings or other proper board or body, to the end that the amount thereof may be levied or assessed upon the territory or district chargeable with the payment thereof, and the amounts so levied or assessed shall be applied to the payment of such claims.

Claims,
etc.,
allowed,
how
charge-
able.

Report to
super-
visors.

Appropri-
ation for
advances.

§ 3. The said board of estimate may in its discretion from time to time appropriate from the revenue fund of said city, moneys for the advance payment of the claims and obligations or of any of the claims and obligations allowed by them, or for that purpose they may from time to time authorize the issue of certificates of indebtedness or bonds of said city payable at such times as they may determine, and the mayor and comptroller shall upon the requisition of said board issue such certificates and bonds. In either of the latter cases the moneys levied or otherwise assessed or to be levied or assessed for the payment of such claims and obligations shall be paid into the city treasury to reimburse the said revenue fund or to be applied to the payment of the certificates of indebtedness or bonds hereby authorized to be issued as the case may be.

Issue of
certificates
or bonds.

Reimburse-
ment of
revenue
fund.

Payment of
certificates
or bonds.

§ 4. This act shall take effect immediately.

Chap. 542.

AN ACT to authorize the building and construction of a proper pedestal for a monument to General Gouverneur K. Warren, and to provide for the payment thereof.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mayor of the city of Brooklyn and the commissioner of parks of said city, and their successors, are hereby authorized to provide and construct a suitable pedestal with foundation, base and coping for the statue of General Gouverneur K. Warren, upon the presentation of the same to the city of Brooklyn by the Gouverneur K. Warren Post, Grand Army of the Republic, department of New York, and of said city, at an expense not to exceed four thousand dollars.

§ 2. For the purpose of carrying out the provisions of section one of this act, the mayor and comptroller of said city are hereby authorized to issue bonds of the city of Brooklyn, to be known as " memorial monument bonds," to be signed, sealed and countersigned as other bonds of said city. None of such bonds shall be sold at less than par, and they shall be issued in such series and be made payable at such times as said mayor and comptroller may determine. The proceeds from the sale of said bonds, including any premium which may be obtained thereon, shall be paid into the city treasury, to be expended from time to time as may be required for the purposes of this act, upon the certification of said mayor.

§ 3. This act shall take effect immediately.

Chap. 543.

AN ACT to amend the charter of the Bedford dispensary of the city of Brooklyn, organized under the general laws.

Accepted by the city.

BECAME a law May 3, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Corporate
name
changed.

Section 1. The corporate name of the "Bedford Dispensary," a corporation first established June twenty-ninth, eighteen hundred and eighty-one, pursuant to chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, and the various acts amendatory and in extension thereof, is hereby changed to the title of "Bedford Dispensary and Hospital." The said corporation shall be located as heretofore, in the city of Brooklyn.

Establish-
ment of
hospital.

§ 2. The said corporation, in addition to the powers already possessed by it, may establish and maintain, in the city of Brooklyn, county of Kings and State of New York, a hospital, at which shall be received such persons as may require medical or surgical treatment, and where medicines may be provided and dispensed for their benefit, and where they may receive all necessary care and suitable medical or surgical treatment.

§ 3. This act shall take effect immediately.

Chap. 549.

AN ACT to enable the Millport Cemetery Association of Millport, Chemung county, to acquire control of the old burying ground in Millport in said county.

BECAME a law May 7, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Acquisition
of control
of burying
ground.

Section 1. The Millport Cemetery Association is hereby authorized and empowered to take charge of all that plot or parcel of ground known as the old Millport burying ground, situate in the town of Veteran, county of Chemung, bounded as follows: On

the south by the highway, on the west by lands of Millport Cemetery Association, on the north by lands of the Millport Cemetery Association, and on the east by lands of the Millport Cemetery Association and the highway, to improve the same and control the burial of the dead therein, and to do all other things that are now authorized by law to do on grounds now owned or controlled by said association.

§ 2. All the rights heretofore acquired by the persons using the said burying ground for burial purposes are reserved to them, their heirs and successors subject to this act and the rules and regulations of said Millport Cemetery Association, and said association is hereby empowered to make, execute and deliver deeds conveying the interest of said association in lots within the boundaries set forth in the first section of this act for burial purposes, and such persons their heirs or successors, when this act shall fully become a law, shall become if possessing the necessary qualifications, members of said association, with the same rights and privileges as are held by other lot owners.

Rights reserved to lot owners.

Conveyances of lots.

§ 3. This act shall take effect immediately.

Chap. 553.

[AN ACT in relation to the supreme court in the first judicial district and the appellate division thereof in the first department.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any building, room or premises built, procured or hired in accordance with law, for the use of the appellate division of the supreme court in the first department, and for the use of the supreme court in the first judicial district, shall be deemed a part of the city hall of the city of New York for the purpose of holding therein the appellate division of the supreme court in the first department and the terms of the supreme court in the first judicial district, and the commissioners of the sinking fund of said city shall lease, on behalf of the city and county of New York, such building, rooms or

Building, rooms, etc., for court and appellate division.

Lease of buildings, etc., by city.

premises as the justices of the said appellate division now appointed shall designate for the use of said appellate division, and for the use of the supreme court in the first judicial district, and the commissioner of public works of said city shall cause the said building, rooms or premises to be altered, prepared or arranged for the use of the said appellate division and the justices thereof, and for the use of the supreme court in the first judicial district, according to such plans as shall be adopted by the said justices of the appellate division, or by the presiding justice thereof, and shall procure such furniture and other fittings therefor as shall be required by such justices or by the said presiding justice. The commissioner of public works shall also cause such alterations to be made in the rooms and premises of the county courthouse, now occupied by the supreme court, the superior court and the court of common pleas, as the said presiding justice of such appellate division may direct, and shall procure such furniture and other fittings suitable to such rooms and premises when thus altered as said presiding justice may direct. The expenses necessary to carry these provisions into effect shall be paid by the city and county of New York; and the comptroller of said city shall issue revenue bonds of said city for the purpose of providing for such expenses and the amount necessary to pay the principal and interest of such bonds shall be included in the final estimate of the amount necessary to be raised by taxation for the purpose of the government of said city for the ensuing year. All stationery which may from time to time be required for the said appellate division and for the supreme court and the justices thereof shall also be furnished to the said courts and justices by the commissioner of public works of the city of New York, upon the direction of the presiding justice of the said appellate division, and the expense thereof shall be paid by the city and county of New York.

Alterations and furnishing of same.

Alterations and furnishing rooms in courthouse.

Issue of bonds for expenses.

Stationery, how furnished.

Court-house for appellate division.

§ 2. If, in the opinion of the majority of the justices of the appellate division of the supreme court in the first department who now have been or who may hereafter be appointed, it shall be expedient to purchase a site and erect thereon a building within the city of New York for the purposes of a courthouse of the said appellate division of the supreme court in the first department, the said justices, or a majority thereof,

shall so certify the fact to the commissioners of the sinking fund in said city, who shall, upon such request, take the necessary steps for acquiring a site for the said courthouse and for the erection thereof. The plans for the building to be erected upon said site when acquired, shall be prepared under the direction of the said commissioners of the sinking fund and shall be submitted to and approved by a majority of the justices of the appellate division of the supreme court in the first department. Except as herein provided, the proceedings for the acquirement of the site for said building, and for the erection thereof, together with provision for the payment of all the expenses of said acquirement and erection shall be had in accordance with the provisions of the procedure provided by chapter forty-three of the laws of eighteen hundred and ninety-two, entitled "An act to provide for the construction of a public building in the city of New York," as amended by chapter forty-four of the laws of eighteen hundred and ninety-four, except that the amount of the expense of the erection of said building shall be such as is advisable and expedient in the judgment of the said commissioners of the sinking fund.

Plans.

Proceedings for acquisition of site, etc.

Expenses of erection.

§ 3. The justices of the appellate division of the supreme court in the first department, now or hereafter appointed, or a majority of them, are authorized to appoint, and at pleasure remove, one deputy clerk and one assistant clerk of the appellate division. The salary of the clerk of said appellate division shall be five thousand dollars per annum, to be paid out of the public treasury of the State; and that of the deputy clerk shall be two thousand five hundred dollars, and of the assistant to the clerk two thousand dollars per annum, payable by the city and county of New York.

Clerks of appellate division.

Salaries.

§ 4. The justices of the appellate division of the supreme court in the first department, now or hereafter appointed, or a majority of them, shall appoint, and at pleasure remove, for each part or term of the supreme court in the first judicial district, a special deputy to the clerk of the city and county of New York and all necessary assistants to each of such special deputies, whose duty it shall be to attend each session of the part or term of the supreme court to which he is assigned, and keep the minutes thereof and to perform such other duties therein as shall be prescribed by the rules made by the said justices of the appel-

Special deputy clerks and assistants for parts or terms.

Compensation.

late division in such department; such special deputy clerks and assistants to be subject to the supervision of the said county clerk. The minutes of the part or term of the court to which he is assigned, kept by him, shall be a part of the records of the supreme court, and shall be kept by the said county clerk in his office, the said county clerk to give extracts from such minutes as now prescribed by law. The compensation to be paid to each person so appointed shall be fixed by said appellate division, not to exceed two thousand five hundred dollars per annum for each special deputy clerk, and one thousand five hundred dollars per annum for each assistant, and shall be so paid by the city and county of New York.

Clerks to justices and court attendants.

§ 5. Each of the justices of the supreme court in the first judicial district, elected or transferred to said court, including the justices of the appellate division in the first department, shall appoint and at pleasure remove a clerk to such justice and four attendants upon the court, each of such clerks and attendants to receive the salary now allowed by law. Each of said attendants may also be removed by the appellate division, but not until he has been informed of the cause of the proposed removal and has been allowed an opportunity of making an explanation.

Transfer of deputy clerks of existing courts.

§ 6. The justices of the appellate division in the first department, now or hereafter appointed, or a majority of them, may transfer any of the deputy clerks of the superior court or of the court of common pleas to the supreme court, and upon such transfer the said deputy clerks shall become special deputies to the clerk of the city and county of New York as if appointed by the said justices of the appellate division under the fourth section of this act. Either of the judges of the superior court or of the court of common pleas may, on or before December thirty-first, eighteen hundred and ninety-five, transfer any judge's clerks or attendants from either of said courts to the supreme court. The number of attendants so transferred by any one of the said judges shall not exceed four, and the judge's clerk and attendants so transferred shall be the judge's clerk and attendants whom each of said justices has authority to appoint by virtue of the fifth section of this act.

Officer and assistant.

§ 7. The justices of the said appellate division in the first department, now or hereafter appointed, or a majority of them, shall appoint and at pleasure remove an officer, to be known

as the crier of the said appellate division, who shall be paid the same compensation as is now paid to the crier of the supreme court. They are also authorized to appoint, and at pleasure remove, an assistant to said crier, whose compensation, not exceeding two thousand dollars ^{Compensation.} per annum, shall be fixed by said appellate division and paid by the city and county of New York. The duties of said crier and assistant crier, in addition ^{Duties.} to those of the existing crier of the supreme court, shall be such as may be prescribed by the rules made by said appellate division.

§ 8. The said justices of the appellate division now or hereafter appointed, or a majority of them, may appoint and at pleasure remove two official interpreters for the supreme court, each of them to receive the same compensation now paid to the interpreter of the supreme court. ^{Interpreters.}

§ 9. The said justices of the appellate division now or hereafter appointed, or a majority of them, must appoint, and may at pleasure remove, a stenographer for each part or term of the supreme court, and three stenographers for the appellate division of the first department. Each stenographer so appointed must attend the sittings of the term or part to which he is assigned, or the sitting of such other term or part of said court as directed by the presiding justice of the appellate division, and shall receive the same compensation now paid to the stenographers of the supreme court. ^{Stenographers.}

§ 10. The law library located in the city of New York, known as the New York Law Library, shall be the law library of the appellate division of the supreme court in the first department, and shall be in the care and custody and under the control of the said justices of the said appellate division, now or hereafter appointed, who shall be the trustees thereof, and shall be vested with all the powers with regard thereto now possessed by the justices of the supreme court in the first judicial district, and who shall designate the place within the city of New York where the said library shall be kept. But the salary of the librarian of the said law library, to be fixed by the said appellate division, shall not exceed twenty-five hundred dollars per annum. In addition to such powers, the said justices ^{Law library of appellate division.} ^{Salary of librarian.}

Assistant
to libra-
rian.

of the appellate division, now or hereafter designated, are authorized to appoint an assistant to the said librarian and to fix the compensation of said assistant, which, however, shall not exceed two thousand dollars per annum, to be paid in like manner as the salary of the librarian. The law libraries of the superior court of the city of New York and of the court of common pleas of said city and county shall be consolidated, and the books therein shall be the law library of the supreme court in the first district, and the said assistant to the librarian of the law library of the appellate division shall act as the librarian of the said law library of the supreme court of the first district.

Law
libraries
consoli-
dated.

Additional
duties of
officers.

§ 11. Each of the officers hereinbefore named shall perform such additional duties as the said appellate division shall direct and be subject to such rules and regulations as shall be made by the said appellate division. The court clerks, justices' clerks, attendants, crier, interpreter, librarian and stenographers of the supreme court at present in office shall continue until removed. The said justices of the appellate division, now or hereafter to be appointed, are authorized to apportion the attendants and justices' clerks so continued among the justices elected to the supreme court, with like effect upon subsequent removals and appointments as though such justices' clerk and four attendants assigned to power of appointment conferred upon each of the justices of the supreme court elected or transferred by this act.

Continua-
tion of
clerks and
officers.

Apportion-
ment of
attendants
and jus-
tices'
clerks.

Designa-
tion of
daily law
journal.

§ 12. The said justices of the appellate division, now or hereafter appointed, or a majority of them, shall be vested with and shall exercise from time to time all the powers now conferred by law upon the presiding justice of the supreme court of the first judicial department, the chief judge of the court of common pleas in and for the city and county of New York, the chief judge of the superior court of the city of New York and the chief justice of the marine, now city, court of the city of New York, or a majority of them, to designate a daily law journal, published in said city, in which shall be published all calendars of the courts of record in and for said city and county, together with every notice and advertisement in legal proceedings which may be required to be published in one or more papers in said city or county.

* So in the original.

§ 13. All the powers now vested in the supreme court or in the court of common pleas for the city and county of New York with regard to the removal of police justices or police clerks or other officers in said city and county are hereby vested in the said appellate division of the supreme court in the first department.

Police justices or clerks, removal of.

§ 14. Justices of the district court in the city of New York and clerks of said courts may be removed by the appellate division of the supreme court in the first department for any cause for which a police justice or a police clerk in said city may be removed. All existing provisions of law with regard to the removal of such police justices and police clerks are hereby made applicable to proceedings for the removal of such district court judges or district court clerks.

Justices of district courts, removal of.

§ 15. The justices of the said appellate division now or hereafter appointed, shall, on or before the first day of December in each year, fix a time and place for holding the terms of the appellate division and also for holding special and trial terms of the supreme court in the first judicial district, and assign the justices to hold the same, such designations to be filed in the office of the secretary of state; and shall from time to time make such rules as they may deem necessary to regulate the sittings of the various parts or terms of the supreme court in the first judicial district and to regulate the attendance and prescribe the duties of the criers, interpreters, stenographers, librarians, clerks, assistants and attendants thereof; also such rules as they may deem necessary to regulate the calendar practice of the various parts or terms of said court and generally to promote the efficient transaction of business and the orderly administration of justice therein; also for the management and protection of the law libraries and for the protection and management of the courthouses and court-rooms of the appellate division and of the supreme court; and it shall be the duty of every justice of the supreme court to enforce such rules and to require the commissioner of public works to do all acts necessary to give full force and effect to such of said rules as relate to the management and protection of the courthouses and court-rooms of the supreme court.

Terms of court, fixing of and assignment of justices to hold.

Rules and regulations.

§ 16. Except as herein provided, all the powers conferred by law upon the presiding justice of the general term of the

Presiding justice of appellate division, powers of

supreme court in the first judicial department, the chief judge of the court of common pleas for the city and county of New York, and the chief judge of the superior court of the city of New York, either or all of them, are hereby vested in the presiding justice of the appellate division of the supreme court in the first department.

Powers
conferred
upon
appellate
division.

§ 17. All the powers conferred by law upon the general term of the supreme court in the first judicial department, upon the general term of the superior court of the city of New York and upon the general term of the court of common pleas for the city and county of New York, are conferred upon and vested in the appellate division of the supreme court in the first department. And all the powers conferred by law upon the supreme court in the first judicial district, upon the superior court of the city of New York and upon the court of common pleas for the city and county of New York, other than as courts of first instance in actions and special proceedings, are also conferred upon and vested in said appellate division.

Repeal.

§ 18. All acts or parts of acts inconsistent with the provisions of this act, or conferring upon any public officer power to appoint deputies or assistants to perform similar duties to those to be performed under the appointment of the justices of the appellate division hereunder, are hereby repealed.

When
takes
effect.

§ 19. This act shall take effect immediately, except that as to the appointments authorized thereunder, the officers whose appointments are herein provided for shall assume their offices on the first day of January, eighteen hundred and ninety-six.

Chap. 554.

AN ACT to amend chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Newburgh," and the several acts amendatory thereof.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of title one of chapter five hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate the city of Newburgh," is hereby amended ^{Charter amended.} so as to read as follows:

§ 2. The city shall be divided into six wards as follows, to wit:

First ward.—All that portion of the city south of the center line of Broadway, between the Hudson river and the center line of William street, and east of the center line of William street as extended, to the southerly bounds of the city, shall be the first ward.

Second ward.—Commencing at the Hudson river on the center line of Second street, and running west along said center line to the center line of Liberty street; thence north along the center line of Liberty street to the center line of Third street; thence west along the center line of Third street to the center line of Dubois street; thence south along the center line of Dubois street to the center line of Broadway; thence east along the center line of Broadway to the Hudson river; and thence north to the place of beginning, shall be the second ward.

Third ward.—Commencing at the Hudson river on the center line of South street, and running thence west, along the center line of said street, to the westerly bounds of the city; all that part of the city lying south of said line, and north of the second and sixth ward, shall be the third ward.

Fourth ward.—Commencing at the river, on the north line of North street, and running thence west, along the north line of North street to the westerly bounds of the city; all that part of the city lying south of said line, and north of the third ward, shall be the fourth ward.

Fifth ward. Fifth ward.—All that portion of the city south of the center line of Broadway, as extended along the Newburgh and Cohecton turnpike, to the westerly bounds of the city, and west of the center line of William street, as extended, to the southerly bounds of the city, shall be the fifth ward.

Sixth ward. Sixth ward.—All that portion of the city west of the center line of Dubois street, and beginning at the junction of the center lines of Dubois and Third streets, and running thence west, along the center line of Third street, as extended, to the westerly bounds of the city; thence south to the center line of Broadway, as extended along the Newburgh and Cohecton turnpike; thence east along the center line of Broadway, as extended, to the center line of Dubois street; and thence north along the center line of Dubois street to the place of beginning, shall be the sixth ward.

§ 2. Section one of title two of said act, as heretofore amended, is hereby further amended so as to read as follows:

**City and
ward
officers.**

§ 1. The officers of said city shall consist of one mayor, one president of the common council, one treasurer, one recorder, five water commissioners, eight members of the board of education, four almshouse commissioners, two justices of the peace, and two constables, all of whom shall be elected by the city at large; two aldermen and one supervisor to be elected in each ward; such inspectors of election as shall be appointed in the manner provided by law; one corporation counsel, one collector, one assessor, one engineer and surveyor, one superintendent of streets, one city clerk, one deputy city clerk, one superintendent of water-works, one health officer, six persons to compose a board of health, one building inspector, one marshal, police constables, and such other officers as are hereinafter authorized, who shall be appointed as hereinafter provided, except that special police constables may be appointed by the mayor, as hereinafter also provided; also one chief engineer and three assistant engineers of the fire department, who shall be elected as hereinafter provided.

§ 3. Section two of said title is hereby amended so as to read as follows:

**Annual
city
election.**

§ 2. An election shall be held in each of the wards of said city on the first Tuesday succeeding the first Monday of November, after the passage of this act, and on the first Tuesday succeeding the first Monday of November

In each year thereafter, for the election of city and ward officers, and such other officers as may be prescribed by law.

§ 4. Section eight of said title, as amended, is hereby further amended so as to read as follows:

§ 8. All city and ward officers elected as hereinbefore provided, except justices of the peace, recorder, supervisors and almshouse commissioners, shall enter upon their respective offices on the first Tuesday of March succeeding the annual election. On the Monday next following such election, the common council shall convene at their usual place of meeting, at nine o'clock in the forenoon, and a statement of votes filed with the city clerk, by the inspectors of election, shall be produced by the clerk. The common council shall forthwith ascertain, declare and certify, in the manner provided by law, who is elected to the office of mayor, and shall also in the same manner ascertain, declare and certify, who are duly elected at said election to the various offices hereinbefore named; such certificates shall be made in duplicate, one of which shall be filed with the city clerk, and the other with the clerk of Orange county, and the mayor and aldermen elected shall thereupon take the oath of office prescribed by the constitution. The common council shall meet for organization on the first Tuesday of March in each year, as hereinafter provided. The terms of office of the supervisors elected in the respective wards shall commence on the Monday following the annual election in November, and they shall take the oath of office prescribed by the constitution on or before the annual meeting of the board of supervisors of Orange county, next following their election.

Commencement of terms.

Census of votes by council.

Certificates of election.

Organization of council.

Supervisors, terms and oath of.

§ 5. Section twelve of said title is hereby amended so as to read as follows:

§ 12. The justices of the peace to be elected under this act shall hold their offices for four years; the treasurer elected thereunder shall hold his office for three years, and until his successor shall qualify and enter upon his office.

Justices of peace and treasurer, terms of.

§ 6. Section thirteen of said title, as amended, is hereby further amended so as to read as follows:

§ 13. At the charter election to be held in the month of November in the year eighteen hundred and ninety-five, and every two years thereafter, there shall be elected by the electors of the city at large, one president of the common council, and at each annual

President of council and aldermen, election of.

Terms of
mayor,
aldermen
and presi-
dent.

election thereafter, one alderman shall be elected from each ward. The mayor, alderman and the president of the common council shall hold their offices respectively for the term of two years.

§ 7, Section fourteen of said title is hereby amended so as to read as follows:

Terms of
certain city
officers.

§ 14. All officers elected or appointed under this act, except mayor, alderman, recorder, treasurer, assessor, collector, supervisors, almshouse commissioners, water commissioners, members of the board of education, chief engineer and assistant engineers, shall hold office for one year, and until their successors shall qualify and enter upon the duties of their office, unless sooner removed, as hereinafter provided.

§ 8. Section sixteen of said title is hereby amended so as to read as follows:

Annual
election for
chief and
assistant
engineers
of fire de-
partment.

§ 16. An election shall be held on the second Wednesday of April, eighteen hundred and ninety-six, and on the second Wednesday of April in every third year thereafter, for the election of a chief engineer, and three assistant engineers of the fire department, who shall respectively hold their offices for the term of three years, and until their successors are chosen and confirmed.

Qualifica-
tion of
voters.

All persons duly enrolled as members of the engine, hook and ladder, and hose companies of said city, who shall have not resigned, been removed or suspended, and no others, shall be entitled to vote at such elections. The election shall be held at the houses of the respective companies, and the foreman and secretary of each company shall act as inspectors at said election, and shall certify the vote of their respective companies to the common council. On receiving such certification of votes, the common council shall confirm as chief engineer and assistant engineers such persons as shall have respectively received the greatest number of all the votes cast at such election for said offices. The common council shall provide for the place of holding, the manner of conducting, returning the votes cast, and confirming the officers elected at all future elections for chief engineer and assistants. In case of a vacancy in the office of chief or assistant engineer by reason of death, resignation or otherwise, the said vacancy shall be filled by a special election, to be ordered by the common council after a notice of once a week for two weeks, by publication of the same in two of the newspapers of the city, and to be conducted in the same manner as may be prescribed by said

Election,
how held
and con-
ducted.

Vacancies
in office.

common council for the regular election of said officers; and any person so elected to fill a vacancy shall hold his office until the next regular election for chief engineer and assistants. ^{The Suspension and removals.} officers in this section named shall be subject to suspension and removal for cause, pursuant to the provisions of this act.

§ 9. Section eighteen of said title is hereby amended so as to read as follows:

§ 18. At the first regular meeting of the common council after their organization, subsequent to the annual election provided in this act, or at some subsequent meeting, the common council shall appoint a city clerk; and the mayor, with the consent and approval of the common council, shall appoint one assessor, one collector, each of whom shall hold office for two years, one superintendent of streets, one superintendent of buildings, one corporation counsel, one city engineer and surveyor, six persons to compose the board of health, who shall respectively hold their offices one year, in the manner provided in this act. The mayor, with the consent and approval of the common council, shall have the power to appoint, at any time he may consider the same necessary for the public interests, deputy street superintendents, not exceeding three in number, who shall hold their offices at the pleasure of said mayor and common council; and the said common council shall prescribe the powers and duties of all the officers mentioned in this section, and regulate their salaries or compensations, except where the same may be fixed by this act. ^{Annual appointment of officers.} The officers to be annually appointed, as aforesaid, shall continue in office until their successors shall have been appointed and duly qualified, and the members of the board of health shall, at its first meeting for organization, appoint a health officer, who shall hold his office for the term of one year unless sooner removed, as hereinafter provided for. ^{Deputy street superintendents.} ^{Powers, duties, &c., of appointees.} ^{Health officer.}

§ 10. Section nineteen of said title is hereby amended so as to read as follows:

§ 19. Every person appointed collector, under this act, shall, before he enters upon the duties of his office, and within ten days after being notified of the amount at which the common council have fixed the penalty of his bond, execute to the city of Newburgh, a bond, with two or more sureties, or at the option of said collector the same may be executed by a surety, guaranty or indemnity company, to be approved by the common council, in such penalty ^{Collector to give bonds.}

as such council shall have directed, conditioned for the faithful performance of his duties as collector, and that he will account for and pay over all moneys received and collected by him at any time under the warrant or authority of the city, to the treasurer or other proper officer appointed to receive the same. If the common council shall approve of the form and execution of said bond and the sureties thereto, they shall cause such approval to be indorsed thereon. Before any warrant to collect county taxes shall be delivered to said collector, he shall execute a bond of the penalty and in the manner, with the sureties, and of the condition required by law of town collectors. The said bond shall be executed and delivered to the supervisors of the city, and shall be approved by a majority of them.

§ 11. Section twenty-five of said title is hereby amended so as to read as follows:

Not to hold
other office
or be
interested
in con-
tracts.

§ 25. No member of the common council shall be appointed by, nor shall he hold any office by appointment from the common council, nor be interested in any contract in which the city is a party.

§ 12. Section one of title three of said act is hereby amended so as to read as follows:

Common
council.

Meetings.

Presiding
officer.

Expulsion
of mem-
bers and
vacation of
office.

§ 1. The legislative power of the corporation shall be vested in a board of aldermen, who shall form the common council of said city. The common council shall meet annually on the first Tuesday of March after the annual election in each year, and at such other times as hereafter provided, at the common council rooms of said city. The president of the common council shall preside at the meetings of the board, and shall be vested with the general powers of a presiding officer. Said common council shall, in the absence of the president, choose a president for the time being; they shall have power to appoint their time and place of meeting; may punish or expel a member for disorderly conduct, or declare his seat vacated by reason of absence, provided such absence be continued for a space of three months, but no expulsion or vacation of office shall take place except by concurrent vote of two-thirds of all the members elected, nor until the delinquent member shall have an opportunity to be heard in his defense.

§ 13. Section four of said title is hereby amended so as to read as follows:

§ 4. A majority of the common council shall constitute a quorum for the transaction of any business, but a smaller number may adjourn from time to time, and compel the attendance of absent members; but no tax or assessment shall be ordered, nor any appointment be made except by a concurring vote of a majority of all the aldermen elected and in office, nor shall any resolution or ordinance be adopted or be binding on said city, which shall have for its object the appropriation or payment of money from the treasury of said city, or the creating of any debt or obligation, unless the same has been passed by the concurring vote of a majority of all the aldermen elected and in office; and the votes taken on the passage of any such ordinance or resolution shall in all cases be taken by ayes and noes, and entered on the minutes of the common council; and no debt or obligation shall be created against said city except by ordinance or resolution of said common council, specifying the amount and object of such expenditure. Whenever any matter or subject shall be referred to any committee of the common council which may involve the payment of money from the city treasury, or any matter or order which may involve the taxation or assessment of any citizen or citizens of said city, or the expenditure of any money on the part of such citizen or citizens, such committee shall report thereon to said common council for their action before any such expenditure, order, taxation or assessment shall be made or take effect. All contracts for the expenditure of sums of twenty dollars and upwards shall be in writing and approved by the mayor.

Majority vote, when necessary.

Creation of debt restricted.

Report before expenditure, orders or taxation.

Contracts for expenditures.

§ 14. Section eight of said title is hereby amended so as to read as follows:

§ 8. All accounts and claims against the said city, and all accounts and claims for services rendered or moneys expended by any officer within said city, which would be charges and accounts against a town if they were rendered and expended by the officers thereof, shall be presented to the common council, and the same shall be referred to a standing committee* of said common council, to be composed of one member from each ward, to be called "committee on auditing accounts." It shall be the duty of said committee to inquire and examine into said accounts, and they may send for persons and papers, and may examine the

Accounts and claims against city.

Reference to standing committee.

* So in the original.

claimant on oath in respect thereto. The said committee shall report the matters referred to them to the common council, either favorably or adversely, with their reasons, and the said common council shall then hear, examine and determine the same as a board of town auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors.

Claims for
damages or
injury.

All claims against the city for damages or injury alleged to have arisen from the defective, unsafe or dangerous condition of any street, highway, bridge, culvert, sidewalk or cross-walk, of or in said city, or from negligence of the city authorities in respect to any such street, highway, bridge, culvert, sidewalk or cross-walk, shall, within three months after said damages or injury may have been sustained, be presented by or in behalf of such claimant, to the mayor or city attorney in writing, signed by the claimant, or his agent, representative, or attorney, and duly verified by one of such parties, describing the time and the place where such injury occurred, and the cause and extent of the damage or injury. The omission to present such claim as aforesaid within said three months shall be a bar to any action or proceeding therefor against the city.

Actions for
recovery.

No action for such damages or injury shall be maintained unless commenced within one year from the happening of the same. Every process commencing an action against the city, shall be served on the mayor of said city, and not otherwise. The common council shall have the power, subject to the approval of the mayor, to pay, compromise or settle any such claim which may be made against the city for damages, provided such claim is presented within the time, and in the manner hereinbefore prescribed, and the sum or sums so expended shall be included in the amount to be raised by tax for general purposes, as hereinafter provided.

Settlement
of such
claims by
council.

Powers of
council.

§ 15. Section nine of said title is hereby amended so as to read as follows:

Control of
finances
and property.

§ 9. The common council shall have the management and control of the finances and all property, real and personal, belonging to said city, and shall have the power within said city to make, establish, publish and modify, amend and repeal, rules, regulations, ordinances and by-laws, for the following purposes:

Sale on
Sundays.

1. To prevent the sale of intoxicating liquors, goods or merchandise, or the performance of work or labor, for hire, on Sundays; to prevent vice and immorality, to prevent and quell

riots and disorderly assemblages and preserve peace and good order. Preservation of peace.

2. To restrain and suppress disorderly and gaming-houses, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices within said city. Gaming-houses, etc.

3. To prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical and other shows or exhibitions, or performances for money, within the bounds of the city; or if the common council shall deem it advisable to license the same, upon such terms as the common council may direct. Exhibitions, shows, etc.

4. To suppress and restrain disorderly houses, or houses of ill-fame, and houses and places where intoxicating liquor is sold to be drank, and to prohibit the sale of intoxicating liquors without license, or contrary to law. Disorderly houses. Sale of liquors.

5. To determine the existence and direct the removal of a public nuisance, in any part of the city; and if the same be not removed in such time as the council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot upon which such nuisance may be, and to enforce the collection by leasing or selling the premises in the manner provided in this act for the collection of taxes or assessments, or by action against the owner of the lot or any other person who may have erected, suffered or maintained such nuisance; and in case of the neglect or refusal to abate any nuisance, the common council may impose a penalty therefor, and enforce the collection thereof, as prescribed in this act. Nuisances, removal of.

6. To prohibit or regulate the keeping and conveying of gunpowder and other dangerous material, and the use of candles and lights in barns, stables and other buildings; also to prohibit or regulate the keeping and conveying of petroleum, earth or rock oil, benzole, benzine, naphtha, kerosene, camphene or burning fluid of any kind, or other dangerous material; and to provide for the inspection of the same by an inspector appointed by them; and in case of violation of the ordinances regulating the same, to provide for the forfeiture thereof, or for such penalties as by ordinance the common council may impose. The common council shall also have the power to raze or demolish any building or erection which by reason of fire or any other cause may become dangerous to human life or health, or tend to extend conflagra- Gunpowder and explosive substances. Demolition of buildings.

Erection of buildings, etc. tion, and they shall also have the power to pass ordinances prescribing the power and duties of the superintendent of buildings in regard to the erection of buildings, and regulating the erection and construction of buildings and structures in said city, and to impose penalties for the violation of such ordinances and regulations, and to enforce the collection thereof.

Horse-racing and dangerous street amusements. 7. To prevent horse-racing and immoderate driving in the streets of said city; to prohibit and punish the flying of kites and every other game, practice or amusement in the public streets, or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways or streets of the city, or to endanger property.

Bathing. 8. To prohibit, regulate and determine the places of bathing in the river, streams and ponds within said city, or adjacent thereto; to repair and regulate the wharves, piers, and slips owned by the city, and direct the affairs thereof.

Wharves, piers, etc. 9. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

Vagrants, etc. 10. To establish and regulate public pounds, and to appoint all necessary poundmasters, and prescribe their duties.

Pounds 11. To restrain the running at large of cattle, horses, swine, sheep, goats and fowls, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of keeping and proceedings.

Running at large of animals. 12. To prevent and regulate the ringing and tolling of bells, blowing of horns and steam whistles, or crying of goods or wares, firing of guns, powder, or other explosive compounds, and the making of any improper noise which may tend to disturb the peace of the city, or the sale and use of fire-crackers, rockets, squibs, or other explosive compounds.

Improper noises. 13. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to any ordinance, and to regulate and restrain their running at large.

Dogs. 14. To direct the keeping and returning of accurate records of marriage and births in said city, and the keeping and returning of bills of mortality.

Vital statistics. 15. To regulate and keep in repair the fire engines, hose carts, hose, and hook and ladders belonging to the said city and the public buildings of said city.

Fire apparatus.

16. To regulate the sale of fish, meats and vegetables within said city; to regulate or prohibit the making or keeping of markets for the sale of meat or fish, except at such places as the common council shall designate, and to regulate or prohibit the erection, keeping or using of slaughter-houses within the said city. Markets and sale of provisions.

17. Concerning the lighting of said city, and the protection and safety of the public lamps; to assess and collect from the real and personal estate within the lamp districts the amount required under the provisions of this act. Street lighting.

18. To regulate and restrain hawking and peddling on the streets; and to establish the size of bread and to regulate the sale thereof. Peddling. Bread.

19. To license and regulate auctioneers, carriers, teamsters, carmen, porters, cabmen, the drivers of hackney coaches, stages or omnibuses, for the transportation of passengers, hawkers, peddlers and sweeps within the city, and to prohibit unlicensed persons from acting in either of such capacities, to fix their rates of compensation and to require them to have license, and to fix amounts to be paid therefor. Licensing auctioneers, hackmen, etc.

20. To regulate runners, stage drivers and others, in soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad or steamboat, or to go to any hotel or otherwise. Runners, stage drivers, etc.

21. To regulate, restrain or prevent the unnecessary obstruction of streets by locomotives or other cars, and to regulate the speed of locomotives and other cars in said city; and also to regulate and prevent the obstruction or unnecessary occupation of streets or cross-walks by carts, wagons, teams or otherwise, and the unnecessary obstruction or occupation of sidewalks in any manner whatsoever, and to impose penalties for such violation. Obstruction in streets, speed of locomotives, etc.

22. To fix the amount of, and decide upon the sufficiency of the sureties on, the official bond of the treasurer, recorder, justices of the peace, collector, superintendent of streets, and other officers from whom they may require surety, and to require additional surety from any such officer when they may deem it necessary, and to suspend him until it is given. Sureties on bonds.

23. To require the owners or occupants of lots upon the streets of said city to enclose the same by suitable fences or Fences and railings.

railings, as the common council may deem necessary for the protection of the public.

Burials and
cemet-
eries.

24. To regulate the burial of the dead, to protect public cemeteries and to restrict and prevent the extension of their limits, and to prevent the burial of the dead within the limits of the city, whenever the common council shall deem it necessary.

Trees.

25. To plant, direct and regulate the planting of shade and ornamental trees along the streets and sidewalks of said city, and to prevent the injury and defacement of fences, posts and buildings in said city.

Street en-
croach-
ments.

26. To cause buildings and other incumbrances encroaching upon the streets, avenues or wharves to be removed, to prevent the erection or construction of any steps, platform, bay window, cellar door, area, descent into a cellar or basement, sign or any post or erection, or any projection from any building or otherwise, in, over or upon any street, avenue or wharf, in said city, and to cause the same to be removed at the expense of the owner or occupant of the premises; to make such expense or removal a lien on the lot on which such building or structure may be situated, and to issue warrant against any such owner or occupant, to collect the necessary expenses of such removal, as assessments and taxes are collected.

Deposit of
materials
in streets.

27. To permit building material to be deposited on the streets in front of any lot, to such extent and for such time as they may prescribe.

Street
names and
numbers.

28. To give names to streets and numbers to the lots and tenements, and to change the names of streets on the petition of a majority of land owners on the same.

Attorney.

29. To employ an attorney and counsel when the business of the board requires it and to pay them a reasonable compensation.

Title to
property.

30. To receive, in the name of the city of Newburgh the title to real or personal property by gift.

Police con-
stables.

31. To authorize and empower the police constables of said city to arrest all persons violating the ordinances, by-laws or police regulations of the city, where such violations are committed in the presence of such police constables.

Prevention
of fires.

32. To regulate the construction of chimneys and to compel the sweeping thereof; to prevent the setting up or constructing of stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe

places, to authorize the firewardens, any city officer or person or persons, whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not to direct or cause the same to be made so; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to require all such further and other acts to be done, and to regulate or prohibit the doing of all such further or other acts as they may deem proper to prevent the occurrence and to provide for the extinguishing of fires in said city.

33. To prevent the leaving of horses standing in the public streets of the city loose and unattended. ^{Horses.}

34. The common council shall appoint such number of persons as commissioners of deeds as they may deem proper, who shall continue in office for the term of two years, and may discharge the duties thereof at any place within the county of Orange. ^{Commissioners of deeds.}

35. The common council shall have power to award contracts for draining privy vaults, and doing any other scavenger's work, on such terms as they may deem most advantageous, and for a term of not less than three nor more than five years, such work to be done under such system and such mode, and in all respects subject to such regulations as the board of health may direct and prescribe. ^{Contracts for scavenger's work.}

36. Whenever, in the opinion of the common council, any building or other erection of any kind or any part thereof, is liable to fall down and endanger persons and property, they may order any owner or occupant of the premises on which such building, fence or other or any erection stands, to take down the same or any part thereof, within such time as they may direct; in case the same is unoccupied, and the owner can not be ascertained, they may direct a notice to be published in the official papers of said city for such time as they may direct, requiring its removal, and in case the order be not complied with, they may cause the same to be taken down at the expense of the owner or owners of the premises; and such expense shall be a lien upon the land on which such dangerous structure was located in preference to all liens and incumbrances whatever, and may be collected by action against the owner or owners, or by a sale of such land, in the manner herein provided for the collection of taxes and assessments for city purposes. ^{Unsafe buildings, etc., removal of. May cause work done.}

Ordinances,
rule, etc.

37. The common council shall also have power to do all such acts and make such ordinances, rules, police regulations and by-laws, not inconsistent with the laws of the United States, as they may deem necessary to carry into effect any general power, the powers conferred upon it by this act or by any other laws of this State, and such also as they may deem necessary for the good government, order and protection of persons and property, and for the preservation of the public health, peace and prosperity of said city, and its inhabitants.

§ 16. Section ten of said title is hereby amended so as to read as follows:

Surveys
and maps
of city.

§ 10. It shall be the duty of the common council to cause a survey to be made of all the real estate within the bounds of the city limits, and maps made thereof, with the proper subdivisions of wards, districts, blocks, lots and streets, defining thereon the number of each ward, district, block and lot, as well as the owner's name of each lot thereon, and also to place and define on said maps the precise location of each hydrant, main water pipe, drain, sewer and street lamp. Such maps shall also include a list, alphabetically arranged, of all the owners of property, and also designating their lots by numbers numerically arranged, which lists and maps shall be filed in the office of the clerk of said common council and are to be free for the inspection of the citizens of the city, but in no case to be removed therefrom.

§ 17. Section fourteen of said title is hereby amended so as to read as follows:

Evidence
of books,
journals,
etc.

§ 14. The entries in the books of by-laws, journals and minutes of the common council, water commissioners and board of health, of certified or sworn copies thereof, shall be presumptive evidence in all courts and places of the matters of fact therein stated, and the certificate of the clerk shall be sufficient evidence of the authenticity of such journals and minutes and books of by-laws and copies. Such certificate of the clerk to a copy shall show that he has compared such copy with the original on file or on record in his office, and that the same is a correct copy or transcript thereof or therefrom, and of the whole of such original, and every ordinance, resolution or by-law of the common council, board of health and water commissioners may be read in evidence in all courts and legal proceedings, from the volume of laws and ordinances published, or to be published, by order of the common

Ordinances,
etc., how
read in evi-
dence.

council, without any other proof of the passage or publication thereof; but such publication shall only be presumptive evidence that the same has been duly published as required by this act, and as provided by law.

§ 18. Section fifteen of said title is hereby amended so as to read as follows:

§ 15. Every law or ordinance, and every resolution of the common council involving the raising, payment, or expenditure of money, or involving the laying out, opening, altering, widening, extending, contracting, or discontinuing any street, lane or highway, or the grading, curbing, flagging, leveling or paving any street, lane or highway, or constructing or rebuilding any sewer, aqueduct, or bridge, or repairing of any wharf, shall, before it takes effect, be presented to the mayor, duly certified by the clerk of the common council. If he approves it, he shall sign it, and it shall take effect immediately; if not, he shall return it with his objections and file the same with the clerk of the common council within ten days after he receives it; the said board shall, at its first regular meeting thereafter, enter the objections at length on its journal; and at the next regular meeting thereafter of said common council, if two-thirds of all the members elected shall then agree to, and do pass the same, it shall take effect as a law, ordinance or resolution; but in every such case the vote shall be taken by ayes and noes and entered on the journal. If such law, ordinance or resolution shall not be returned by the mayor within ten days after he has received it, it shall take effect in like manner as if he had signed it, but not until the day following the next regular meeting of the board after the passage of the same, except by the unanimous consent of the board, in which case it shall take effect at the time specified in said unanimous consent. In case a resolution of the common council providing for the raising, payment or expenditure of money, presented to the mayor as provided by this section, contains two or more items, and a part of the amount so directed to be raised and expended can be applied to one or more of the purposes therein named, the mayor shall have the power to approve of such separate item or items, and as to the item or items, so approved, such resolution shall take effect in like manner as if the whole of said resolution was approved, and the mayor shall thereupon return said

Approval
or disap-
proval of
laws, ordi-
nances, etc.

Passage of
laws over
veto.

Not re-
turned to
take effect.

Approval
or disap-
proval of
separate
items.

resolution with his objections to the item or items not approved by him, to the clerk of the common council, within ten days after he received it, as hereinbefore provided.

§ 19. Section one of title four of said act, as amended, is hereby amended so as to read as follows:

Mayor.

§ 1. The mayor shall be the chief executive officer of the city. He shall have his office open daily for the transaction of business. He shall sign all deeds and contracts made and entered into by the city, and shall affix thereto the city seal, which shall be in his custody. He shall receive a salary of eight hundred

Vacancy in
office of
mayor.

dollars per year, payable quarterly. Whenever there shall be a vacancy in the office of mayor, or whenever by sickness, absence from the city or other cause, the mayor shall be prevented from attending the duties of his office, the president of the common council shall act as mayor, and possess all the rights and powers of mayor during such disability, or, in case of vacancy, then until the next charter election, and until the mayor then elected shall have duly qualified, and in case of the death, resignation or removal from office, or from the city, of the mayor, the president of the common council thus acting in the capacity of mayor, shall be entitled to receive for services thus performed as mayor, a salary at the rate of eight hundred dollars per annum. It shall not be lawful for the president of the common council, when acting as mayor, in consequence of the mayor's sickness, or absence from the city, or other temporary disability, to exercise any power of appointment or removal from office, nor to sign, approve, or disapprove any resolution or ordinance, unless such sickness, absence or other disability of the mayor shall have continued for the space of fifteen days. Nor shall the president of the common council, when acting as mayor, perform any of the duties of an alderman. In case of the vacancy in the office of mayor, and the performance of his duties by the president of the common council, the aldermen shall elect a temporary chairman to preside over their meetings, who shall possess, during such vacancy, the powers and perform the duties of the president of the common

Election to
fill
vacancy.

council. Whenever there is a vacancy in the office of mayor, there shall be an election for mayor at the next charter election, and the person thus elected shall hold for the remainder of the term of the person in whose place he was elected. It shall be the right and duty of the mayor:

Duties of
mayor.

1. To communicate to the common council, at least once a year, a general statement of the finances as he shall deem expedient. Annual financial statement.

2. To call out and command the police and firemen, as their head, whenever in his discretion he shall deem an emergency, so requires, and such command shall be in all respects obeyed. Police and firemen.

3. To be vigilant and active in causing the ordinances of the city and the laws of the State to be executed and enforced within said city, and for that purpose he may call together, for consultation and co-operation, all other heads of the city affairs and departments. Enforcement of laws.

4. To administer the oath of office to the aldermen-elect, and after the common council shall have been organized, the mayor shall annually, and as much oftener as he may deem proper, communicate his views and recommendations, with reference to the city government. Administering oaths. Messages to council.

5. To suspend, for cause, any officer appointed by said common council, or any officer, appointee or employe of said city. Whenever any officer, appointee or employe of said city is suspended by the mayor, he shall give written notice thereof to the common council, as hereinafter required; and the said common council may appoint a committee of investigation thereof, which committee shall have power to send for persons and papers, to issue subpoenas for witnesses and compel their attendance, and by its chairman, to administer oaths and to fully investigate the same; and the said common council may, in its discretion, restore or dismiss said officer or employe, and declare his office, appointment or employment vacant and terminated; and, in case of dismissal, such office and position shall become and be vacant, and shall be filled by the mayor, as in case of vacancy, by death or resignation. The mayor shall fill, by appointment by and with the concurrence of the common council, until the next charter election, any vacancy in any city office which may occur by death or resignation of any city officer, whether elected or appointed. Investigation of charges by council. Suspension of officers. Appointments to fill vacancies.

6. In case he deems it necessary, he may appoint any person or persons to perform the duties, or continue and take charge of the official affairs of the officer suspended, until the matter of such suspension shall be investigated and determined. Appointments in case of suspension.

Report of
suspension.

7. He shall report in writing such suspension to the common council at its next meeting thereafter, stating therein the grounds of such suspension together with such recommendations as he may deem proper.

Examination of
departments,
etc.

8. To have power at all times to examine the books, vouchers and papers of any department, officer or employe of said city, and to summon and examine under oath any person connected therewith.

§ 20. Section five of said title is hereby amended so as to read as follows:

Assessor.

§ 5. The assessor appointed as hereinbefore provided, shall hold his office for two years, and shall perform the duties hereinafter specified, in relation to the assessment of property within the city, as well for the purposes of levying the taxes imposed by the supervisors of the county of Orange, as by the common council of the city of Newburgh. Such assessor shall receive for compensation for all services to be rendered under this act, or by

Compensation and
duties.

virtue of any statute providing for the assessment of property in the city of Newburgh, the sum of twelve hundred dollars per annum. Such assessor shall possess all the powers and authority of town assessors, and shall make the assessment-roll of the city in the manner provided by law. Such assessment-roll shall be completed on or before June first, in each and every

Assessment-roll,
completion of,
and delivery to
board of review.

year, and shall thereupon be immediately submitted to the board of review of taxes and assessments, consisting of the mayor of the city of Newburgh, the president of the common council, the corporation counsel and the assessor, which are hereby designated as and constituted a board of review of taxes and assessments in said city, with all the powers of correcting said assessment-roll, heretofore vested in the board of assessors of the city

Notice of
completion and
review.

of Newburgh, under the provisions of this section. Upon the completion of said assessment-roll and the delivery thereof to said board of review, it shall be the duty of said assessor to publish in two newspapers, published in said city, the notice required by law of its completion and delivery as aforesaid, which notice shall designate the city hall of the city of Newburgh as the place where said assessment-roll shall be reviewed, and

Review and
correction
of roll.

where the same may be examined. The said board of review shall meet at the time and place designated in said notice, and shall thereupon review said assessment-roll, and said board of

review, or a majority thereof, shall have power to correct, alter or amend, subtract from and add to, each of the several assessments in such manner as in their judgment may be proper, and said assessment-roll, when completed and reviewed, as aforesaid, shall be the assessment-roll for the city of Newburgh, and shall be signed and sworn to by the said board of review in the manner now provided by law, for the completion of assessment-rolls in towns. The said assessment-roll shall be completed, and all the additions of each page of said assessment-roll, together with the sums total thereof, shall be made and entered thereon, and said assessment-roll shall then, with all other papers required by law to be filed, be delivered to the city clerk, on or before the third Tuesday of July in each year. Each member of said board of review shall receive the sum of five dollars for each session of said board, not exceeding ten sessions in any one year. All transfers of real estate within the corporate limits of the city of Newburgh shall, in addition to the usual place of record of the same, now provided by law, be noticed in the office of the city clerk. Such notice must contain a brief description of the property transferred and conveyed, and must also contain the name or names of the person or persons conveying the same, and the name of the party or parties to whom the same is deeded or transferred. The common council shall provide suitable books for the proper record of all such transfers. It shall be the duty of the city clerk to make a proper record of all such transfers for the use and guidance of the said assessor in making up his annual assessment-roll. It shall be the duty of the common council, and they are hereby authorized to make such provision by fine, penalty or otherwise, as may be necessary to enforce compliance herewith.

Filing of roll.

Pay of members of board of review.

Transfers of real estate, notices of.

Record of transfers.

Penalty.

§ 21. Section eight of said title, as amended, is hereby further amended so as to read as follows:

§ 8. The treasurer of said city shall receive all moneys belonging thereto, as well as the moneys raised by authority of the board of supervisors of the county of Orange, as the moneys raised by authority of the common council; and he shall keep an accurate account of all the receipts and expenditures in such manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of the order of the common council, by warrants signed by the mayor, or acting

Treasurer, his powers and duties.

Warrants on treasury.

Annual report.

mayor, and the clerk; such warrant shall specify for what purpose the amount therein named is to be paid, and the treasurer shall keep an accurate account of all orders drawn on the treasury, in a book to be provided for that purpose, which shall be open to the inspection of any elector of said city at all reasonable hours. The treasurer shall, at the close of the fiscal year, prepare a general statement showing the amounts, under proper heads, of moneys received and paid out by him, from the date of his last annual report, so as to show in brief the statement of the accounts of the city, including a detailed account of all receipts and expenditures of the several departments of the city government, and shall deliver the same to the city clerk, which said statement and account shall remain on file in the office of the city clerk, and the same may be examined by any taxpayer or party having an interest therein, and shall also be included in, and published, in the city clerk's annual report, and no other publication thereof shall be required.

§ 22. Section eleven of said title, as amended, is hereby further amended so as to read as follows:

Collector of taxes, his powers and duties.

§ 11. The collector of taxes and assessments, appointed as hereinbefore provided, shall perform the duties, and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act, and he shall keep his books in such manner as the common council may prescribe; and all taxes and assessments to be collected within the limits of the city, shall be collected by him. Immediately upon the expiration of the time limited in any warrant issued to him for the collection of any tax or assessment, said collector shall report and make return to the common council under oath, stating the amount by him collected, and that he has entered upon the assessment or tax-roll the several payments made to him, opposite the name of each person, company or corporation so paying, his payments of the money so collected, to what officer, with his vouchers therefor; and the several amounts of taxes or assessments which have not been collected by him and remaining unpaid, with the names of those who have not paid opposite such amounts. And upon said report being made, it shall not be lawful for the common council to extend such warrant, or the time mentioned therein for the collection of taxes and assessments. Upon the expiration of said warrant, it shall be the duty

of the collector to return to, and file with the common council and the corporation counsel, a statement under oath, of such taxes remaining unpaid, set opposite the name of the person, company or corporation, against whom such assessments or taxes were originally levied, together with a brief description of the property against which such assessments or taxes were originally made. No warrant for the collection of taxes or assessments shall be for a longer period than ninety days. All taxes and assessments remaining unpaid for ninety days after the date of the original warrant, shall bear interest at the rate of eight per cent. from the date of the original warrant authorizing the collection of the same, and such tax or assessment, and the interest thereon at the rate aforesaid, together with the highest rate of fees for collecting the same, specified in such warrant, shall be sued for, by, and in the name of the city of Newburgh. Such suit may be brought against any person, persons or corporation, liable for the payment of said tax or assessment, and the same may be brought at any time after said warrant has expired and been returned to the common council, as aforesaid. The common council shall provide a suitable room for the collector's office, and all necessary books, blanks and stationery for his use, and the collector shall attend at such room in the discharge of his duties, at such times as the common council may prescribe. The collector shall pay over all moneys collected by him, to the city treasurer, and shall make a report to the common council at each monthly meeting thereof, of all moneys so collected and paid over, including all fees and interest. Whenever any unpaid taxes or assessments shall be placed in the hands of the corporation counsel or other attorney for the city, for collection, such counsel or attorney shall pay over all taxes or assessments, including fees and interest named in the warrant which may be collected by him, to the city treasurer, and shall take duplicate receipts therefor, showing the several amounts collected, the tax or assessment for which received, and from whom, one of which duplicates he shall deliver to the collector, and such collector shall then make the necessary entries upon his books, showing such payments, so as to discharge the same thereon. In case such collector shall not use due diligence in the collection of taxes or assessments, or shall neglect to comply with the requirements of this section, it shall be sufficient

Return of
unpaid
taxes.

Interest
thereon

Collection
by suit.

Office room
and sup-
plies

Payment
over of
moneys by
collector
or
corporation
coun-
sel.

Suspension
or re-
moval of
collector.

Appoint-
ment of
collector
by mayor.

Salary of
collector

Provision
as to incum-
bent.

cause for his suspension or removal, and he may be suspended by the mayor, and removed by the common council, pursuant to the provisions of section one of this title as hereby amended. Upon the expiration of the term of office of William A. Hanmer, the collector heretofore elected, and now in office, or should a vacancy occur prior thereto, through death or otherwise, the mayor shall appoint a collector of taxes and assessments, who shall be subject to the requirements of this act in regard to the duties and liabilities of city collectors, which collector shall discharge the duties so imposed upon him until the expiration of the term of the mayor by whom he was appointed, and until his successor has been appointed and has entered upon the duties of said office, unless removed for cause, as hereinbefore provided. The collector so appointed, and all collectors which may hereafter be appointed under the provisions of this act, shall be paid a salary of two thousand dollars per annum, payable quarterly, and said collector shall employ a sufficient number of clerks to assist him in the proper performance of the duties of his office, and the salaries of such clerks or assistants shall be paid by said collector, and in no case shall the city of Newburgh be liable on account thereof. Nothing herein contained shall be construed to curtail or diminish the fees or emoluments of said William A. Hanmer, or to relieve or discharge him from any liability as collector of the city of Newburgh, but said William A. Hanmer shall continue to discharge the duties of his said office, and to collect and retain the fees to which he is entitled, under this section as heretofore amended, until the expiration of his said term, or his removal from said office, as hereinbefore provided.

§ 23. Section twelve of said title is hereby amended so as to read as follows:

Superin-
tendent of
streets,
his powers
and duties

§ 12. It shall be the duty of the superintendent of streets to superintend, under the direction of the mayor and street committee, all work to be done or performed upon any of the highways, streets, walks, bridges, sewers or public grounds, or property of said city, but nothing herein contained shall be deemed to give him the power to expend money without express authority from the common council so to do, and in case he shall expend moneys in excess of the sum or sums appropriated or authorized to be expended, he shall be held personally liable for such expenditure, and the amount so expended by him without author-

ity, as aforesaid, shall be deducted from his salary. He shall, at all times, act under the general supervision of the mayor and common council of the city, and such superintendent shall receive as compensation for his services, such sum as shall be prescribed by the common council, not exceeding eight hundred dollars per annum.

§ 24. Section thirteen of said title is hereby amended so as to read as follows:

§ 13. The chief engineer and the assistant engineers of the fire department shall perform such duties and possess such powers as shall be prescribed by the common council, and the chief engineer shall receive such compensation as the common council shall prescribe.

Chief and assistant chief engineer of fire department.

§ 25. Section one of title five of said act as heretofore amended is hereby further amended so as to read as follows:

§ 1. The mayor, the president of the common council, the president of the board of education, the president of the board of water commissioners, and the city treasurer shall be and they are hereby constituted a board of estimate and apportionment, to which shall be submitted, on or before the first Tuesday in June in each year, a detailed estimate of the expenditures necessary and proper to be made by the common council, the board of education, the board of water commissioners, the board of park commissioners, and such other official bodies or officers of said city as may be charged with the expenditure of money in any department of the municipal service, which said estimates shall be prepared by and under the direction of the respective boards submitting the same, including the amount to be expended annually in the care and maintenance of the streets, roads and bridges in said city, and for the laying of cross-walks, building, repairing and cleaning of silt-basins, repairing sewers, and providing the necessary labor and material for keeping all streets, roads, bridges, cross-walks, silt-basins and sewers in good condition, and for the purchase of all necessary tools and road machines, and replacing and keeping the same in repair, and of the amount so estimated, the board of estimate and apportionment may fix the amount required for the permanent improvement of roads and bridges, of which the city at large is to pay one-third, as hereinafter provided, which expenditure, the common council may provide for in each year by the issue of the bonds of the city, in such form, and payable

Board of estimate and apportionment

Submission of estimates of expenditures to board.

Board to fix amounts for highways, etc.

Issue of bonds therefor.

at such times as said common council may authorize and direct. Said board of estimate and apportionment shall, on or before the first Tuesday of July in each year, review and consider such estimates and apportion the same, and shall, if necessary, so decrease any of the estimates made and submitted, that the total amount of money to be raised by tax in any one year, for all municipal and educational purposes, inclusive of principal and interest on bonded indebtedness required to be paid in any one year, and exclusive of such principal and interest as is made payable from water rents, shall not exceed two per cent. of the assessed valuation of the real and personal property in said city, which apportionment so made shall be filed with the clerk of the common council on or before the first Monday of August in each year, and the common council shall thereupon proceed to levy the amount so agreed upon. Each annual estimate shall include a specified sum for each branch of the public service, and from the first annual estimate, and each subsequent estimate for the expenditures necessary to be made in the general departments of the municipal service, there shall be deducted such unexpended moneys belonging to the city or to any department thereof, as shall be properly applicable thereto. The estimate so made and submitted by the board of education shall include the amount required for the following purposes: To purchase, lease or improve sites for schoolhouses; to build, purchase, lease, enlarge, alter, improve, and repair schoolhouses and their outhouses and appurtenances; to purchase, exchange, improve and repair school apparatus, books, furniture and appendages; to procure fuel and pay the contingent expenses of the free schools; the expenses of the free library, and the annual salary of the clerk and his assistants; and to pay the salaries of the librarian and assistant librarians of the "Newburgh free library;" of the janitors and other employes, and to pay the wages of teachers, due after the application of the public school moneys, and all other moneys received by said board, or under their control, and which may by law be appropriated and provided for that purpose. The power of the board of estimate and apportionment to reduce the annual estimate of the board of education shall not be exercised unless said estimate, exclusive of public school moneys due and payable from the State, and exclusive of the cost of building sites, new school buildings or additions to

Apportionment and levy of amount.

Deduction of unexpended moneys from estimates.

Estimate of board of education.

Reduction thereof.

public school buildings heretofore erected, exceeds an amount three-fourths of one per cent. of the assessed valuation of all the taxable property within said city of Newburgh. In case of the purchase of land, and the erection thereupon of new school buildings, or the building of additions to school buildings, the sum or sums necessary therefor shall be provided by the issuing of bonds of the city of Newburgh, which said bonds shall bear interest at a rate not exceeding five per cent. per annum, and shall be payable within twenty years from the issuing thereof, but such issue shall not be in excess of the sum of forty thousand dollars in any one year, without the consent of the common council and the board of estimate and apportionment, which consent shall be subject to the approval of the mayor of the city of Newburgh. The estimate made by the board of water commissioners shall include the amount required for the payment of interest on outstanding bonds; for the payment of salaries and necessary expenses; for the laying of mains and other permanent improvements, and for a sum not less than two thousand dollars in each year for a sinking fund, which said several sums shall be payable out of the moneys received by said board from water rents. In case the moneys so received by said board shall exceed the amount necessary for the above-mentioned purposes, and authorized by the board of estimate and apportionment, such excess, after the payment therefrom of the sums necessarily expended by said board of water commissioners, in the repairing and replacing of mains, the replacing and keeping in repair the engines, pumps and tools, and the providing of necessary supplies and labor, shall be applied to the payment of the indebtedness heretofore incurred, or which may be hereafter incurred for the improvement of the water-works of said city. The common council shall cause the sum or sums agreed upon by the board of estimate and apportionment (exclusive of such sum as is payable from water rents), to be raised annually by general tax upon the taxable inhabitants of said city, and on the property therein liable to taxation, and said common council shall have the power to add to such sum or sums such amounts as may be necessary to make up any deficiency occasioned by previous illegal or erroneous assessments and uncollected taxes or assessments; and the said common council shall, at the time of directing such sum or sums to be raised, cause to be entered upon the minutes of

Issue of
bonds for
school
sites,
building,
etc.

Estimate
of water
commis-
sioners.

Excess of
water
rents, how
applied.

Annual
tax levy.

said common council, a statement of the amounts deemed necessary to be raised, as certified to them by the board of estimate and apportionment for the following purposes: Salaries of officers, roads and bridges, board of education, board of water commissioners, board of health, fire department, police department, election expenses, printing, general purposes. In addition to the other sums authorized by this section to be raised by general or special tax in any one year, the common council shall cause to be raised annually, by general tax from the taxable inhabitants of said city, and the property therein liable to taxation, in the same manner and at the same time that the other general taxes of said city are raised, the sum of two hundred and fifty dollars, which sum shall be paid over by the treasurer of said city to a commission, which is hereby created, and which shall consist of the mayor of said city, for the time being, the president of the trustees of the Glebe of the German patent, for the time being, the pastor of the First Presbyterian church in said city, for the time being, and two other citizens of said city to be selected by said mayor, president and pastor. The money herein directed to be paid to said commission shall be expended by it in the proper care and improvement of the "old town cemetery" grounds in said city, and for no other purpose. Said commission shall serve without compensation, and shall, at the close of the fiscal year, make a detailed report to the common council of all its expenditures of said money. In all their contracts and expenditures the several boards and officers of the city shall have strict reference to the amount which has been fixed for the respective purposes by the board of estimate and apportionment, and any expenditure in excess of said amount shall be illegal. All unexpended balances of the amount appropriated for the several city departments, against which no obligation exists at the close of each fiscal year, shall be deducted from each succeeding estimate of such several departments, to the credit of which such balance remains.

§ 26. Section two of said title is hereby amended so as to read as follows:

§ 2. The common council shall also direct and cause such additional amounts to be raised annually by general tax, as shall be required to pay the interest and all installments of principal

Annual
tax for
cemetery
commis-
sion.

Expendi-
tures of
money by
commis-
sion.

Report to
council.

Restric-
tions
as to ex-
penditures.

Deduction
of unex-
pended
balances.

Annual tax
for bonded
or per-
manent
debts.

as the same shall become due on any bonded debt of the city of Newburgh, and any permanent debt which shall be incurred or contracted by the city of Newburgh, pursuant to the provisions of this act.

§ 27. Section four of said title is hereby repealed.

§ 28. Section twelve of said title is hereby amended so as to ^{Repeal} read as follows:

§ 12. The purchase-money for which any real estate may be sold as hereinbefore provided, shall be paid to the treasurer of said city; and any balance of the same, after paying the tax or assessment for which the sale may have been made, with the interest thereon, together with the costs and expenses of the sale, shall remain in the treasury of said city, and shall be paid out as in this section provided. The person against whom such tax or assessment was made, or any person claiming to be the owner or having any interest in the lands sold, or any person having any judgment or mortgage which was a lien upon the real estate sold, or claiming a right to said moneys, may apply to the supreme court for an order directing the treasurer of said city to pay the balance of said moneys to him; and the said court may make an order directing the said treasurer to pay said moneys to such person as it may ascertain is properly entitled thereto, and said treasurer shall pay over said moneys pursuant to any such order. When the full amount of taxes for county and State purposes shall have been paid to the city treasurer, the roll and warrant therefor and any and all taxes, sums or amounts unpaid thereon, shall belong to the city, and shall thereafter be enforced and collected in the manner provided for city taxes; and any and all sums collected thereon shall be placed in the general city fund.

Disposition of purchase money.

Payment of balance.

Tax-rolls belong to city.

Enforcement and collection of unpaid taxes.

§ 29. Section twenty-seven of said title is hereby amended so as to read as follows:

§ 27. Whenever the common council shall be of the opinion that the interests of the city require the expenditure of money, for any extraordinary or special purpose, which, in their opinion, can not be paid from the sum or sums agreed upon and submitted to the common council by the board of estimate and apportionment in their annual estimate, and levied and raised by general tax, as provided in the first section of this title, and that the raising of an additional sum is necessary, they may

Expenditures for extraordinary and special purposes.

**Estimate
and state-
ment.**

**Notice of
special
election.**

**Inspectors
of election.**

**Qualifica-
tion of
voters.**

**Conduct of
election.**

Ballots.

make an estimate of the sum necessary to be raised for such purposes, and each of them, if there be more than one such object, stating the amount and objects for which it is required, together with the reasons for their opinion, and cause such statement and estimate to be published in two of the newspapers printed in said city; and shall give notice therein, that, on a day and at a place therein specified, a special election will be held, at which the question whether the said sum or sums shall be raised or not, will be submitted to the qualified voters for their determination. Said statement and notice shall be published once a week for three weeks next preceding the said day of election. The common council shall designate in said notice some central and convenient place in said city for holding the polls of said election, and they shall appoint three inspectors as a board of inspectors for the poll of said election, and may fill all vacancies in said board, and said inspectors shall take the oath required by law to be taken by inspectors of charter elections in said city, and in the same manner, and they shall have the same powers and perform the like duties as the last-mentioned inspectors. Every resident of said city, of the age of twenty-one years, whose name shall be in the assessment-roll made by the city assessor of said city next preceding said special election, and upon whose property, or upon whom, as the owner or possessor of property, a tax shall be assessed or imposed in and by said roll, and no other person or persons whatever shall be entitled to vote at said special election. The assessment-roll made by the city assessor, or a copy thereof, certified by the clerk, or the mayor, or presiding officer of the said council, shall be evidence of the names and assessment aforesaid. The inspectors of said election thus appointed, on the day and at the place thus specified, and from nine o'clock in the forenoon until sunset, without closing the polls and in the manner provided by law for holding charter elections in said city, shall proceed to receive the ballots of the persons qualified to vote at the said special election, on which ballots shall be written or printed, or partly written and partly printed, in the inside thereof, the object for such special tax, and in the margin, and opposite to such object or statement, shall be placed the words "for" or "against," and if there shall be more than one object for a special tax proposed at any such election, then those several objects shall be

specified on one piece of paper, and in the margin, and opposite each one of those several objects or statements shall be placed the words "for" or "against," and deposit the same in a box similar to the boxes required to be used at the said charter election. If any person offering to vote at such election shall be challenged in relation to his or her right to vote thereat, by any other person entitled to vote at such election, one of the inspectors shall tender to him or her the following oath: "You do swear (or affirm) that you are a resident and taxpayer of the city of Newburgh, and are of the age of twenty-one years, and that you have not voted at this election." If the person offering to vote shall take such oath and shall be named and assessed upon said roll as aforesaid, the vote shall be received; otherwise such vote shall be refused. All the provisions of law for punishing false swearing and fraudulent voting at the said charter election, so far as the same can be applied, and for preserving order at the polls, shall be applicable to the said special elections and proceedings thereat. The said inspectors shall canvass the votes received at said special elections immediately after the closing of the polls, without adjournment, and then make a certificate under their hands, or the hands of two of them, stating the whole number of ballots received, in the case of every tax voted upon at such election, the whole number for each special tax, and the whole number against each special tax, and return the same by the hands of one of them to the common council, or to the mayor or clerk, forthwith thereafter. The said certificate, if received by the mayor or clerk, shall be delivered by him to the common council at their next meeting, and the said common council shall cause the result of said election, as appearing by said certificate, to be entered in their minutes, and if it shall appear that the whole number of votes received at such election with the word "for" in the margin and opposite any several object voted for, exceed the whole number of votes with the word "against" in the margin and opposite each several object, it shall be the duty of the common council to cause the said sum or sums of money to be assessed, levied and raised in addition to the said sum or sums included in the annual estimate, and levied and raised by general tax as provided by the first section of this title, and all other taxes in and by the next assessment-roll, or in and by successive equal installments thereafter,

Challenges.

Provisions of charter applicable.

Canvass of vote and certificate of result.

Assessment and levy of special tax upon favorable vote.

Limitation
of amount.

Expendi-
ture of
special tax,
council to
authorize.

Council
may bor-
row money

Retiring
or pay-
ment of
bonds
heretofore
issued.

Proceeds of
special tax.

Accounts
of expendi-
tures and
payments.

and in the same manner, and with the same power and authority as herein described and conferred in reference to said sum included in said annual estimate; provided always that the total amount proposed to be raised, and to be voted for any one year, at any special election or elections, shall not exceed ten thousand dollars in addition to said sum included in said annual estimate as aforesaid, and that not more than one such election shall be held in any year, unless such amount is recommended, or such elections directed by a vote of three-fourths of all the members of the common council. After any such special tax or taxes shall have been authorized as herein provided, the common council shall proceed to authorize the expenditure of the amount thereof, for the object or objects specified in their published statement, and sanctioned by the votes of the taxpayers in the manner aforesaid; and the common council may borrow, if they should deem it necessary to do so, the amounts so voted, in anticipation of the collection of said tax, for a time not exceeding twenty years, payable in equal annual installments, if the loan shall be made for more than one year, which installments shall be levied and collected in the same manner as the general tax of the city; and the amount so borrowed shall be expended for the purpose for which the special tax is raised, and shall be repaid as soon as the same shall become due, from the proceeds of the tax levy. All bonds, which may have been heretofore issued under this section, by reason of any special election heretofore held, and now outstanding and unpaid, may, when the same shall be due and payable, be retired by the substitution of new bonds therefor, or paid up by money realized by the sale of such new bonds, in the manner prescribed by the general municipal law of the State. The sum and sums of money raised by any special tax shall be paid to and kept by the treasurer of the city distinct from other money, and entered in a separate account, and shall be appropriated by the common council exclusively to the object or objects mentioned in their public statement.

§ 30. Section twenty-nine of said title is hereby amended so as to read as follows:

§ 29. The common council shall cause an account book to be opened and kept by the clerk of said city, wherein all the expenditures and payments made on account of said city shall be respectively entered under their proper heads. The common

council shall have authority to appropriate from the proper fund toward the celebration of "fourth of July" and the day known as "memorial or decoration day," a sum not exceeding one hundred dollars for each of said days, and also a sum not exceeding one hundred dollars yearly for the maintenance of a city ambulance.

Appropriation for Fourth July celebration.

City ambulance.

§ 31. Section four of title six of said act is hereby amended so as to read as follows:

§ 4. Whenever any encroachment upon, or obstruction of, any public street or highway, in said city, shall have been removed at the expense of the city, the common council shall ascertain such expense, and enter the same in its minutes, and the amount thereof, together with all fees of officers and expenses of collection, may be collected by action, in the name of the city, against the person or persons causing such encroachment or obstruction, or maintaining the same, after notice requiring its removal. No person or persons shall throw, cast or lay, or direct, suffer or permit any servant, agent or employe to throw, cast or lay any ashes, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, dirt, filth or rubbish, of any kind whatever, in any gutter, street, lane or alley, or in any public place in the city. The willful violation of any of the foregoing provisions of this section, shall be and is hereby declared to be a misdemeanor and shall be punished by a fine of not less than one dollar nor more than ten dollars, or by imprisonment for a term of not less than one day nor more than five days.

Expenses of removal of street obstructions by city.

Collection thereof.

Throwing, etc., of garbage, dirt, etc., in streets.

Penalty for violations.

§ 32. Section thirteen of said title is hereby amended so as to read as follows:

§ 13. Whenever the common council shall cause any street to be graded, leveled or paved, or any sewer, aqueduct or bridge to be built, they shall ascertain the expense of such improvement, and shall fix the limit or district of assessment beyond which the assessment thereof shall not extend; they shall enter the amount of such expense and a description of such limit or district in the minutes of their proceedings, and shall then cause a warrant to be issued to the assessor of said city, directing him to assess the said amount (after deducting the proportion, if any, which shall have been ordered, pursuant to the second subdivision of the first section of this title, to be paid out of the city treasury), upon such of the real estate as they shall deem benefited by the

Assessments for improvement.

Warrants to assessors.

Assessment
of expense

Improvement. The city assessor shall thereupon assess the amount specified in said warrant, as therein directed, and shall make and return to the common council a report, wherein he shall briefly describe each parcel of real estate on and in respect of which any such assessment is made, and the amount so assessed upon each parcel of land, which report shall be signed by the assessor and be delivered by him to the clerk of the city, who shall thereupon cause a notice to be published twice a week for two weeks in a public newspaper printed in said city, that said assessment has been made and filed, and that the board of assessment and review will meet at a time to be named in said notice, not less than fourteen days after the first publication thereof, to hear any objections which may be made to such assessment, and in the meantime the said report may be examined without expense by any person desiring to examine the same. At the time and place specified in such notice, the board of assessment and review shall hear such objections as shall be made to the said assessment, and shall review the same, and may adjourn such proceedings from time to time, and may alter, correct, modify and amend the said assessment in any particular which they may deem proper; and when they shall deem it to be correct, they shall confirm the same, and the amount shall then be collected in the manner hereinbefore provided for the collection of taxes for city purposes. And each assessment shall be a lien on the premises on which it is assessed, and may be collected by the sale of such premises, and all the provisions of the fifth title of this act in relation to the collection of taxes for city purposes, and the sale of lands for taxes, shall apply to the collection of such assessment and to sales therefor; and such assessment when collected shall be paid to the treasurer of the city.

Notice of
review.

Review and
correction.

Confirma-
tion.

Lien on
land.

Law appli-
cable to
collection.

§ 33. Section three of title seven of said act is hereby amended so as to read as follows:

Justices of
peace may
act as
recorder.

§ 3. In case of sickness, absence from the city, disability or inability to act, of the said recorder, his powers and duties are hereby conferred and imposed upon either of the several justices of the peace of said city, who may be designated in writing by the recorder or mayor; and in case any warrant issued by the said recorder shall be returned during his absence from said city, or sickness, any further proceedings on such warrant may be had

before any justice of the peace of said city who may be designated as aforesaid; and a justice of the peace having once obtained jurisdiction over any matter under this section may retain it, and proceed to the determination of it. Any justice of the peace, while thus discharging the duties of recorder, shall receive ^{Compensation of such justices.} as such justice compensation therefor, the sum of two dollars per day, and shall not be entitled to any other fees for such services. In signing process he shall add to his official title "acting as recorder." Such compensation shall be paid to said justice by said recorder, except when the absence from the city of said recorder shall not exceed twenty days, in any one year, when said justice shall be paid by the city; and when the absence or disability of the recorder is caused by unavoidable accident, or sickness, in which case such compensation shall be paid by the city.

§ 34. Section two of title eight of said act is hereby amended so as to read as follows:

§ 2. Every building hereafter erected contrary to the foregoing provisions, or to any ordinance made in pursuance of the foregoing section, is hereby declared to be a common nuisance, and may be abated and removed as such by the direction of the common council of said city. But the common council shall have ^{Erection of buildings contrary to provisions.} the power, in their discretion, on an application to them for that ^{Additions and repairs within limits.} purpose, to authorize the owner of any building constructed of wood, within the fire limits, to make additions and repairs thereto of wood, provided such addition shall not be of sufficient size to constitute a dwelling-house, workshop or store, if the main building should be removed, or exceed in front twelve feet in width. But no such permission shall take effect unless the same is duly approved in writing by the mayor.

§ 35. Section four of said title is hereby amended so as to read as follows:

§ 4. The mayor and aldermen shall possess all the powers of ^{Firewardens.} firewardens under this act.

§ 36. Section five of said title is hereby amended so as to read as follows:

§ 5. They shall have power at all reasonable times to enter ^{Examination and inspection of buildings} into and examine all the dwelling-houses, out-houses, lots and yards; and to inspect all places wherein fires are used, and to compel obedience to the ordinances of the common council relating to the prevention of fire,

§ 37. Section one of title nine of said act is hereby amended so as to read as follows:

Police constables.

§ 1. The police constables appointed by the mayor and common council, as in this act provided, shall also perform the duties of night watchmen of said city; and the mayor and common council shall have power to make all needful orders, rules and regulations for their government. Said common council shall provide for lighting the streets of said city, or such of said streets as they shall deem proper, with gas or other suitable material, and to provide for the erection or maintenance of all necessary lamp-

Street lighting.

Annual tax for police and light fund.

posts and lamps. And an amount sufficient to pay the expenses of said police constables, to be included in the annual estimate for the police department by the board of estimate and apportionment, as in this act provided; and of lighting the streets, as aforesaid, to be called the "police and light fund," shall be raised annually by a tax upon the real and personal property in said city, and shall be assessed thereon by the city assessor. And the amount so assessed shall be collected by the city collector, upon a warrant to be issued to him for that purpose by the common council. And all the provisions of this act in relation to the assessment and collection of taxes, so far as applicable, shall apply to the tax authorized by this section, and the amount of said tax shall be paid to the city treasurer, and shall be kept separate from other city funds, and shall be applied to the support of the said police constables, and the lighting of the streets aforesaid.

Assessment and collection thereof.

§ 38. Section two of title nine of said act is hereby repealed.

§ 39. Section one of title ten of said act is hereby amended so as to read as follows:

Water commissioners, election of.

§ 1. At each annual charter election, there shall be elected by the city at large, one water commissioner to fill the vacancy occasioned by the expiration of the term of office of the water commissioner whose term of office shall expire on the first Monday in March in each year, and the water commissioner so elected shall hold his office for five years, unless sooner removed for cause, as hereinbefore provided.

§ 40. Section two of said title is hereby amended so as to read as follows:

Annual meeting.

§ 2. The annual meeting of the board of water commissioners shall be held on the first Monday succeeding the first Tuesday in

March in each year. A majority of the commissioners shall ^{Quorum.} form a quorum for the transaction of business. At each annual meeting the board shall elect a president from their own number, ^{President.} and whenever he shall be absent, they may elect a president pro tem. The said board of water commissioners shall hold stated monthly ^{Meetings.} meetings; and shall also meet as much oftener as their duties shall require. In case of any vacancy in the board by death, ^{Vacancies.} resignation or otherwise, the board may appoint some person to fill such vacancy until the next annual election for city officers. It shall be the duty of said board, and they shall have the power:

1. To keep the property and works belonging to the city and ^{Powers and duties.} used and provided for the purpose of furnishing a supply of ^{Care of work.} water, in good order and repair, and to see that all proper ^{Purity of water.} measures are taken to preserve the purity of the water, and a sufficient supply thereof.

2. They shall have power whenever they deem it advis- ^{Extension of pipes.} able, to cause the line of water pipes connected with such water-works to be laid down and extended through any of the public streets, lanes or alleys of said city, and to superintend the laying down of the same, and to keep a correct account of the expenses thereof, and to report the same to the common council as soon as the extended work shall have been completed; and the expense thereof shall be paid by the treasurer, on the order of the said commissioners, out of the moneys collected for water rates.

3. They shall make such by-laws and regulations for the ^{By laws and regulations.} preservation, management and protection of the water-works, and the use and control of the water, as may be deemed advisable, and prescribe the penalty for the violation thereof, and which, when ratified and approved by the common council, shall have the same force and effect as any law or ordinance by them enacted; and may alter or amend the same, with the approval of the common council.

4. The said commissioners, by and with the assent of the ^{Annual water rents, scale of.} common council, shall establish a scale of annual rates to be charged and paid annually by the owners and occupants of all buildings which shall be situated on lots adjoining any street or avenue in said city, in which the distributing pipes are or may be laid, and from which they can be supplied with water, to be called "water rents," and to be apportioned to the different

classes of buildings in said city, in reference to their own dimensions, value, exposure to fire, ordinary use for dwellings, stores, shops, private stables, and other common purposes, number of families or occupants, or consumption of water, as near as may be practicable; and, from time to time, may alter, modify, amend. Increase or diminish such rents in said scale, and extend it to other descriptions of buildings, establishments, or uses; but the rents shall be so fixed and kept, that the aggregate annual amount collected therefrom shall be at all times equal to, at least, seven per cent. on the then existing water debts of the city over and above all expenses or repairs, extensions, salaries and appropriations to the sinking fund.

Alteration, &c., of water rents.

Water rents for new buildings, hotels, &c.

Default of payment.

5. The commissioners shall determine the amounts of water rent to be paid for water used in the erection of new buildings, and by hotels, factories, stables, breweries, mills, foundries and other buildings, establishments and trades which consume extra quantities of water, which amounts shall be paid to the water commissioners on demand by the owner or occupant of the property, upon which such water shall be consumed, and all moneys so received shall be paid over to the city treasurer. In default of payment on demand, one per cent. shall be added for each and every period of thirty days which shall expire after such demand, until the amount is paid, and the water rents thus determined by the water commissioners, together with the one per cent. for each thirty days after demand, shall constitute a lien on the property upon which such water shall be used, to be collected by sale of such property, in the same manner as provided hereinbefore for the collection of taxes and assessments for city purposes, and the said water commissioners may also have and maintain an action for the recovery thereof against the owner or occupant of such property.

Enforcement of rules

6. They shall see that all rules and regulations, made and ratified as aforesaid, are duly obeyed and observed, and that all persons guilty of violating the same are prosecuted and punished.

Record of proceedings.

7. They shall keep a record of all their proceedings, in a suitable book. They shall also keep a record of all the persons furnished with water. They shall also annually make a report to the common council of their proceedings generally, and of the state of the matters under their charge. The said commissioners

Annual report.

Compensation.

shall not be entitled to receive any compensation for their ser-

vices, but such incidental expenses as they may incur in the discharge of their duties, which the common council shall deem reasonable and necessary, shall be paid to them.

§ 41. Section eight of said title is hereby amended so as to read as follows:

§ 8. The annual receipts for water rents, after deducting therefrom such sums as it may be necessary to expend as hereinbefore provided, shall be applied to the payment of the principal and interest on the debt contracted, or which may hereafter be contracted, for furnishing the city of Newburgh with water, and the interest on any debt that may be contracted under this act for the improvement of the water-works, and also to the appropriation of such sum as the board of water commissioners at their option shall determine from time to time, not less than two thousand dollars per annum, to a sinking fund for the payment of the principal of said debt, as it shall from time to time become due and payable, which sinking fund shall be controlled and managed by the water commissioners.

Application of annual receipts.

§ 42. Section twelve of said title is hereby amended so as to read as follows:

§ 12. The said common council are hereby authorized by themselves, or they may by resolution duly passed, which resolution shall be duly approved by the mayor of the city of Newburgh, authorize the water commissioners to make agreement with any owner or owners of lands, lakes, ponds, springs or streams of water or other property which may be required for the enlargement, alteration or improvement of the water-works of said city, or which may be injuriously affected thereby, as to the price to be paid to such owner or owners, and may buy, in the name of the city of Newburgh, any such lands, lakes, ponds, springs or streams of water or other property which may be so required, or any easement in any lands, for the purposes aforesaid, and such acquisition shall be held by the city of Newburgh for the purposes of water-works. Neither the common council nor the water commissioners shall make a lease of any property for said purposes, or for aqueducts or reservoirs, or provide for the payment of any property or rights therein for said purposes, by installments; and this section is subject to the restrictions contained in section sixteen of this title. But

Acquisition of lands and rights.

Powers as to issue of bonds.

this section shall not prevent the issue of bonds, pursuant to the provisions of this title, in the manner hereinafter mentioned.

§ 43. Section sixteen of said title is hereby amended so as to read as follows:

Improvement of water-works.

§ 16. In case the water commissioners of said city shall at any time deem that the interests of said city call for and require the expenditure of money exceeding the sum of ten thousand dollars, in enlarging, altering and improving the water-works of said city,

Statement and probable cost thereof.

or for any of the purposes of this act, before any such enlargement or improvement shall be entered upon, or any contract or purchase relating thereto shall be made, the said water commissioners shall make a statement thereof under their hands, stating the nature of the enlargement, alteration or improvement required

Special election.

and the probable cost thereof, to the best of their judgment; and they shall deliver such statement to the common council, and it shall thereupon be the duty of the common council to cause a notice to be published, and a special election to be held, in the manner provided by the twenty-seventh section of the fifth title of the act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, as amended by the act of March ninth, eighteen hundred and sixty-six, at which special election the persons voting thereat shall designate on their ballots whether they vote for or against the improvement recommended by said water commissioners, and which election shall be conducted and the result thereof certified, in all respects, as provided in said twenty-seventh section; and if it shall appear from the certificate of the inspectors of such election, filed as therein required, that a majority of the votes cast at such special election were given in favor of making such improvement, it shall thereupon be the duty of the common council to provide for raising the funds necessary for that purpose in the manner provided by the seventh section of this act.

Funds to be provided upon favorable vote.

Acquisition of lands and rights

The said common council shall thereupon proceed to procure, in the manner hereinbefore provided, the title to the lands or easements therein, and to the lakes, ponds, springs, streams of water or other property required by said improvement, and the said water commissioners shall thereupon proceed to cause such improvement to be made under their inspection, direction and control, and shall draw the necessary funds for the same by their drafts on the city treasurer, payable out of the moneys

Improvements to be made.

raised or to be raised as hereinafter provided. The said water commissioners shall, as soon as such improvement is completed, make a report thereof to the common council, giving a detailed account of their proceedings and of the expenditures made by them.

Report of
proceed-
ings and
expendi-
tures.

§ 44. Section one of title eleven of said act is hereby amended so as to read as follows:

§ 1. The board of health of the city of Newburgh shall be subject to all the provisions, and shall have all the powers conferred upon boards of health, by the statutes of the State of New York.

Board of
health.

§ 45. Section two of said title is hereby amended so as to read as follows:

§ 2. Said board shall be known as "the board of health of the city of Newburgh," and shall hold stated monthly meetings, and shall also meet at such other times as the public interests may require. In case of the absence or inability of the mayor, the board may appoint a temporary president, and the majority of the board shall constitute a quorum for the transaction of business. The members of the board of health shall not be entitled to any compensation for their services. The city clerk shall be the clerk of said board, and shall keep the minutes of its proceedings, which minutes shall be on file in his office and shall be open to inspection during office hours.

Meetings.

Tempora-
ry presi-
dent and
quorum.

Duty of
city clerk.

§ 46. Section four of title twelve of said act, as amended, is hereby further amended so as to read as follows:

§ 4. The town of Newburgh, and the city of Newburgh, shall, together, constitute one district for the purpose of providing for the support of the poor, in the manner provided by law. The almshouse commissioners of said town and city shall be known by the corporate name of "the commissioners of the almshouse of the city and town of Newburgh." The superintendent of the poor shall hereafter be denominated "the superintendent of the poor of the city and town of Newburgh." Commissioners of the almshouse to take the place of those whose terms of office shall expire after this act shall take effect, shall be nominated and elected by the electors of the town of Newburgh, in the same manner as other town officers, elected by the people, are chosen. Whenever the terms of office of the commissioners of the almshouse, heretofore elected in the city of Newburgh shall expire, their suc-

Support of
poor.

Commis-
sioners
of alma-
house and
superin-
tendent.

Vacancies. cessors shall be nominated and elected by the electors of the city, at the annual election, in the same manner as other city officers, chosen by the people, are elected. Any vacancy which may occur in the office by reason of expiration of term or otherwise, shall be filled by appointment by the mayor of the city, of Newburgh, in the same manner as other vacancies in office are filled, as provided by section fifteen of title two of this act, as amended. All powers given by law to the police justice in the town of Newburgh in relation to commitment to the custody of the keeper of the almshouse, are hereby given to the recorder of the city of Newburgh in all cases arising in said city, and to each of the justices of the peace of the town of Newburgh in all cases arising in said town. Whenever any money shall be borrowed by the commissioners of the almshouse, in pursuance of the provisions of said act, the city of Newburgh and the town of Newburgh shall be jointly liable therefor. The annual report required by the said act to be made by the said commissioners, shall hereafter be made in duplicate, one of which shall be filed in the office of the town clerk of the town of Newburgh, and the other shall be filed in the office of the clerk of the city of Newburgh, and said reports shall be open for inspection at reasonable hours by the qualified electors of the city and town of Newburgh.

Commitments to almshouse.

Joint liability of city and town.

Annual report.

Repeal. § 47. All acts and parts of acts, inconsistent with or repugnant to this act, or any of the provisions thereof, are to that extent hereby repealed.

§ 48. This act shall take effect immediately.

Chap. 562.

AN ACT to incorporate "St. Joseph's Church, Troy, New York."

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. William O'B. Pardow, William F. Clark, John McQuaid, Michael Nash, and George E. Quin, members of the Society of Jesus, and their associates and such persons as may hereafter become members of the corporation hereby created are hereby constituted a body corporate by the name of "Saint Joseph's Church, Troy, New York," to be located in the city of Troy, and by that name shall have perpetual succession and shall possess the general powers conferred on corporations by sections eleven and twelve of chapter six hundred and eighty-seven of the laws of the year eighteen hundred and ninety-two, entitled "An act to amend the general corporation law," and the amendments thereof, except that all devises and bequests to said corporation shall be subject to the provisions of an act entitled "An act in relation to wills," passed April thirteenth, eighteen hundred and sixty, and the acts amending the same.

§ 2. The object of the said corporation shall be to establish, maintain and support churches for divine worship and to conduct services therein, and to diffuse more generally the blessings of education and Christianity.

§ 3. Said corporation shall have power to make and adopt a constitution and by-laws, and to make rules and regulations for the admission, suspension, and expulsion of its members and their government, the number and election of its officers and to define their duties, and for the safe keeping of its property, and from time to time to alter and modify such constitution, by-laws, rules and regulations. Until an election shall be held pursuant to such constitution and by-laws, the persons named in the first section of this act shall be, and are hereby declared to be the trustees of said corporation and its property. The number of trustees of said corporation shall be five, and shall be elected annually as provided by its constitution and by-laws, which board of trustees shall consist of members in good standing of said society,

Quorum. A majority of said board shall constitute a quorum for the transaction of business, and by a majority vote of said trustees any trustee may be removed and his successor appointed for any cause deemed sufficient by such majority.

§ 4. This act shall take effect immediately.

Chap. 564.

AN ACT to authorize and to empower the city of Brooklyn to condemn and to acquire the road, turnpike or highway formerly known as the Jamaica and Brooklyn plank road located in the twenty-six ward in the city of Brooklyn, and to provide for the improvement of the same.

Accepted by the city.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

**Acquisition
of road
authorized.**

Section 1. The city of Brooklyn is hereby authorized to acquire by condemnation, free from all liens, incumbrances and franchises, whatsoever, except as herein otherwise provided, the highway, road or turnpike, situated within the boundaries of the twenty-sixth ward of the city of Brooklyn and formerly known as the Jamaica and Brooklyn plank road, for use as a public street of said city, provided, however, that said condemnation and taking shall be subject to such rights and privileges of the railroad company now operating a railroad on such highway, road or turnpike, as are now secured to it by law and relate to the operation and maintenance of said railroad. Such property shall be acquired by proceedings pursuant to chapter ninety-five of the laws of eighteen hundred and ninety, entitled "An act to amend the code of civil procedure," known as the condemnation law and the supreme court may make such order as to the manner of conducting such proceeding as shall be necessary to render the same valid for the purposes required.

**Proviso as
to rights of
railway.**

**Proceed-
ings for
condemna-
tion.**

**Possession
upon filing
of report.**

§ 2. Upon the filing of the report of the commissioners appointed to ascertain the compensation to be made for the property authorized to be taken by this act, the court may, in its discretion, upon application made thereto by the plaintiff in the proceeding,

make an order authorizing said plaintiff to enter upon and take possession of said property for the purposes authorized by this act, and thereupon the commissioners of city works of said city with the approval of the mayor may improve the said road, highway or turnpike in such manner as other streets in said city are improved, and shall remove all the toll-gates thereon. ^{Improvement of road.}

§ 3. To meet the cost of the condemnation and acquisition of the land as provided in this act and for the improvement thereof, the mayor and comptroller of said city, shall, from time to time, issue bonds of said city to be called "Jamaica plank road bonds," payable in such series and at such times as they may direct. The aggregate amount of said bonds shall not exceed the sum which shall be certified as hereinafter provided as the cost of the acquisition of said lands and the payment of the expenses of the condemnation thereof, and in addition thereto, the amount of fifty thousand dollars for the improvement of the same. The proceeds of said bonds shall be paid into the treasury of the said city, to be drawn therefrom from time to time as other moneys are drawn from the treasury of said city for the purposes hereby authorized. ^{Issue of bonds.} ^{Proceeds of sale.}

§ 4. Upon the ascertainment of the total cost of the acquisition and improvement of the said lands the said amount shall be certified by the comptroller of said city to the board of assessors, who shall thereupon proceed to fix a district of assessment, which, in their judgment, will be benefited by the acquisition and improvement of the lands authorized by this act, and they shall give public notice in the corporation newspapers for ten days, of the district so fixed and shall designate in said notice a time and place at which they will hear objections thereto. At the time and place therein mentioned they shall meet to hear such objections as may be offered and may adjourn from time to time for that purpose, but no notice of such adjournments shall be necessary. After considering all said objections, the said board of assessors, may confirm the district as originally fixed by them or may amend the same. If the same shall be amended, a further notice shall be given and a further hearing in the same manner as above provided, and such procedure shall be continued until they shall finally confirm said district of assessment. When the said district shall be confirmed the said board shall proceed to apportion the expense so certified to them, upon the ^{District of assessment.} ^{Notice of hearing therein.} ^{Hearing.} ^{Confirmation of districts.} ^{Apportionment of expense.}

Assess-
ments.Collections
to be ap-
plied to
payment of
bonds.Interest on
bonds.

Repeal.

Proceed-
ings dis-
continued.Expense,
how paid.

lands and premises situated within said district of assessment, in proportion to the benefits derived thereby by reason of the said acquisition and improvement. All laws in force in said city relating to the laying of assessments for local improvements and the collection thereof, not inconsistent with this act, shall apply to the assessment herein provided for. The money collected under said assessment shall be applied to the payment of the principal of the bonds authorized to be issued by this act. The interest on said bonds shall be included from year to year in the tax levy of said city and shall be a charge upon the district of assessment fixed by said board of assessors. Any interest becoming due before said district shall be fixed, shall be paid from the revenue fund of said city, which shall be reimbursed therefor by a tax upon said district as soon as the amount so expended can be properly charged against said district.

§ 5. Chapter four hundred and fifty-two of the laws of eighteen hundred and ninety-two, entitled "An act for acquiring the ownership and control of the road, turnpike or highway, formerly known as the Jamaica and Brooklyn plank road, located in the twenty-sixth ward of the city of Brooklyn, and for the improvement thereof," and chapter five hundred and twenty-seven of the laws of eighteen hundred and ninety-three, entitled "An act to amend chapter four hundred and fifty-two of the laws of eighteen hundred and ninety-two, entitled 'An act for acquiring the ownership and control of the road, turnpike or highway formerly known as the Jamaica and Brooklyn plank road, located in the twenty-sixth ward of the city of Brooklyn, and for the improvement thereof,'" are hereby repealed. All proceedings heretofore had under and in pursuance of the provisions of said acts, are hereby discontinued and rendered void and of no effect, and any expenses which may have been incurred in any such proceedings for commissioners' and surveyors' fees or other necessary expenditures, shall be paid from the revenue fund of said city upon the certificate of the attorney and counsel to the corporation thereof, to the person entitled thereto.

§ 6. This act shall take effect immediately. |

Chap. 565.

AN ACT to incorporate the city of Little Falls.

BECAME a law May 8, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

The Charter of the City of Little Falls.

- Article I. Incorporation; city, ward and school district boundaries; definitions. (§§ 1-9.)
- II. City officers; eligibility, elections, appointments, term of office, compensation, filling vacancies. (§§ 10-29.)
- III. City officers; their general powers and duties. (§§ 30-49.)
- IV. The common council. (§§ 50-89.)
- V. The board of public works. (§§ 90-109.)
- VI. The board of fire and police. (§§ 110-129.)
- VII. The city board of charities. (§§ 130-139.)
- VIII. The recorder. Crimes and disorderly conduct in the city and the punishment thereof. (§§ 140-149.)
- IX. Assessment and taxation. (§§ 150-179.)
- X. Actions by and against the city. (§§ 180-189.)
- XI. Relation of city to the village of Little Falls and to the towns of Little Falls, Manheim and Danube. First election and first appointment of city officers. (§§ 190-209.)

ARTICLE I.

Incorporation; City, Ward and School District Boundaries—Definitions.

- Section 1. Short title; public act.
2. Incorporation of city.
3. Boundaries of city.
4. Divisions into wards; ward boundaries.
5. City as school district.
6. Definitions.

Section 1. Short title; public act.—This act is a public act, and shall be known as “the charter of the city of Little Falls.”

§ 2. Incorporation of city.—The inhabitants of the territory known as the “city of Little Falls,” shall be a municipal corporation, to wit, a city, the corporate name of which shall be the “city of Little Falls.”

§ 3. Boundaries of city.—The territory included within the following boundaries is hereby constituted a city, which shall be known as the city of Little Falls, to wit: Beginning at a stone monument marked L. F., 1895, I, which stands north (true meridian) sixteen hundred and fifty feet from monument number two hundred and nine of the New York state survey; thence south eighty-two degrees thirty minutes west (this bearing referring to the true meridian) five thousand feet to a stone monument marked L. F., 1895, N. W.; thence with ninety degrees left deflection eight thousand six hundred feet to a stone monument marked L. F., 1895, S. W.; thence with ninety degrees left deflection eleven thousand six hundred feet to a stone monument marked L. F., 1895, S. E.; thence with ninety degrees left deflection eight thousand six hundred feet to a stone monument marked L. F., 1895, N. E.; thence with ninety degrees left deflection six thousand six hundred feet to the point of beginning.

§ 4. Division into wards; ward boundaries.—The said city shall be divided into four wards, bounded respectively as follows:

First ward.—All that part of said city bounded southerly by the north line of the lands of the New York Central and Hudson River Railroad Company; easterly by the center of Ann street, from the north line of said railroad to its intersection with the center line of Church street; thence along the center line of Church street and the present Eatonville road to its intersection with the city line; and thence along said city line westwardly to the western bounds of the city; and westerly by the western boundary of said city.

Second ward.—All that part of said city bounded southerly by the center line of Albany street, commencing at its intersection with the center line of Ann street, and thence along that line to its intersection with the center line of Mary street; thence northerly along the center line of Mary street to its intersection with the center line of Garden street; thence easterly along the center line of Garden street to its intersection with the center line of Salisbury street; thence northerly along the center line of Salisbury street and the Salisbury road, so called, to the north-

ern boundary of said city; thence westwardly along the boundary of the city to its intersection with the center line of the Eatonville road; thence southerly along the center line of said Eatonville road and Church street to the center line of Ann street; thence southerly along the center line of Ann street to its intersection with the center line of Albany street, to the place of beginning.

Third ward.—All that part of said city bounded southerly by the center line of Albany street, commencing at its intersection with the center line of Mary street, and thence easterly to the center line of East Main street; thence easterly along the center line of East Main street to its intersection with the north line of the lands of the New York Central and Hudson River Railroad Company; thence easterly along that line to the city line, easterly by the eastern boundary of the city, northerly by the northern boundary of the city; westerly by the center line of the Salisbury road, and along said center line through Salisbury street to the center line of Garden street; and thence along the center line of Garden street to the center line of Mary street; and thence southerly along the center line of Mary street to the center line of Albany street, the place of beginning.

Fourth ward.—All that part of said city bounded by the north line of lands of the New York Central and Hudson River Railroad Company from its intersection with the city line on the west, easterly to its intersection with the center line of Ann street; thence northerly along the center line of Ann street to its intersection with the center line of Albany street; thence easterly along the center line of Albany street and of East Main street to the intersection thereof with the north line of lands of said railroad company; and thence easterly along said north line to the city line, and easterly, southerly and westerly by the boundary lines of the city.

For the purpose of assessment and taxation the land and property of the Little Falls and Dolgeville Railroad Company within said city shall be deemed to be situated, located and assessable within the third ward of the city as above described.

§ 5. City as school district.—The city of Little Falls shall constitute a union free school district, which shall be known as "the union free school district of the city of Little Falls."

§ 6. Definitions.—The official year of the city shall commence with the completion of the canvass and declaration of all the votes cast at each annual election. The fiscal year of the city shall commence with the first day of May in each year. The term streets, as used in this act, includes highways, avenues, alleys and lanes. The term resolution, as used in this act, includes all motions, orders, rules, regulations and by-laws other than ordinances. The city of Little Falls shall be deemed a town within the meaning of article five of the highway law relating to bridges.

ARTICLE II.

City Officers — Eligibility, Elections, Appointments, Terms of Office, Compensation, Filling Vacancies.

Section 10. Eligibility to city offices; vacancy created by change of residence.

11. Elective city officers enumerated; their terms of office and compensation.
12. City elections.
13. Canvass of votes cast at annual city elections.
14. Appointive city officers enumerated; by whom appointed.
15. Terms of office of appointive city officers.
16. Commencement and expiration of terms of office; holding over after expiration of term.
17. Compensation of appointive city officers.
18. Official salaries, when payable; fees and perquisites.
19. Suspensions and removals of appointive city officers.
20. Filling vacancies in city offices.

§ 10. Eligibility to city officers; vacancy created by change of residence.—The city engineer of said city need not be a resident thereof at the time of his appointment. No two assessors of the city shall reside in the same ward. No person shall, at the same time, hold more than one city office, in said city, except that a commissioner of deeds may also hold any other city office except the office of mayor, clerk, justice of the peace or recorder. Otherwise, no person shall be eligible to a city office in said city unless, at the time of his election or appointment, he be a resident elector of said city, and, if elected by a ward of the city, he must also at the time of his election be a resident of the ward. If a city officer shall cease to be a resident of the

city, his office shall thereon become vacant. If a city officer elected by a ward of the city shall cease to be a resident of such ward, his office shall thereon become vacant.

§ 11. Elective city officers enumerated; their terms of office and compensation.—The elective officers of the city to be elected by the city at large shall be a mayor, whose term of office shall be one year, and who shall receive no compensation for his services; a recorder, whose term of office shall be four years, and whose annual salary shall be nine hundred dollars; a treasurer, whose term of office shall be two years, and whose annual salary shall be ten hundred dollars; three assessors, the term of office of each of whom shall be three years, who shall be so chosen that the office of one assessor shall expire each year, and each of whom shall be entitled to compensation at the rate of three dollars per day while actually engaged in the performance of his duties, but not exceeding a total compensation of two hundred dollars for his services in any one year; three commissioners of excise, the term of office of each of whom shall be three years, who shall be so chosen that the office of one commissioner shall expire each year and whose compensation shall be the same as commissioners of excise in cities as provided by general laws; three school commissioners, the term of office of each of whom shall be three years, and who shall receive no compensation for their services; two justices of the peace, the term of office of each of whom shall be four years, and who shall be entitled to the same compensation for their services as justices of the peace of a town are entitled to receive for like services; three constables, the term of office of each of whom shall be one year, and who shall be entitled to the same compensation as constables of a town are entitled to receive for like services. The elective officers of the city to be elected by each ward shall be two aldermen, the term of office of each of whom shall be two years, who shall be so elected that the term of one alderman from each ward shall expire each year, and who shall receive no compensation for their services. The electors of the first and fourth wards shall together elect one supervisor and the electors of the second and third wards shall together also elect one supervisor whose respective terms of office shall be the same as the

term of office of the supervisor of a town, and who shall be entitled to the same compensation for his services as a supervisor of a town is entitled to receive for like services.

§ 12. City elections.—The annual city election of said city shall be held on the second Tuesday of February. At each such election a successor shall be elected to each elective city officer whose term of office shall expire during the year commencing with the day of such election. The polls of each annual city election, and of each special election in said city, at which one or more city officers are to be elected, shall open at eight o'clock in the forenoon and close at five o'clock in the afternoon. The city clerk shall, at least one week before the date fixed by law for the first meeting of the board of registry for a city election, notify each inspector of election, in writing, of his appointment as such inspector, and of each day for the meeting of the board of registry in each election district of the city and of the date of such election.

§ 13. Canvass of votes cast at annual city elections.—The common council of said city shall meet as a board of city canvassers on the next Thursday after each annual city election. The city clerk shall present to the common council at such meeting the certified statements of the result of such election in the several election districts of the city, as delivered to him by the inspectors of election of such districts. The common council shall canvass such certified statements, and determine and declare the whole number of votes cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and what person was elected thereto. The persons having the greatest number of votes for the respective offices to be filled for the whole city, and those having the greatest number of votes for the offices to be filled by the several wards shall be declared duly elected. The city clerk shall enter such determinations and declarations in the minutes of the meeting, and the common council of the official year ending with the completion of such canvass shall thereon be dissolved. The common council of the next ensuing official year of the city shall thereon be organized and hold their first meeting for such year.

§ 14. Appointive city officers enumerated; by whom appointed.—The appointive officers of said city shall be six members of the city board of health, one health officer, four inspectors of election

for each election, district in the city, so many commissioners of deeds as the common council shall deem necessary and such other appointive officers as may be authorized by general laws, all of whom shall be appointed in pursuance of general laws; a city clerk, a city attorney, three school commissioners, a sealer of weights and measures, four fire and police commissioners, who shall constitute the board of fire and police; four commissioners of public works, who shall constitute the board of public works; four commissioners of charities, who shall constitute the city board of charities, all of whom shall be appointed by the mayor, subject to confirmation by the common council; an overseer of the poor, who shall be appointed by the city board of charities; a city engineer, who shall be appointed by the board of public works; a chief engineer and a first and second assistant engineer of the fire department, a superintendent of the fire alarm telegraph, a chief of police, an assistant chief of police and four patrolmen, all of whom shall be appointed by the board of fire and police. The board of fire and police may, if authorized by the common council, by the concurring votes of at least two more than one-half of the total number of aldermen, appoint such additional patrolmen, not exceeding ten, as such board may deem necessary; and may, in its discretion, appoint ten or less extra patrolmen; and may, in its discretion, if requested by any person, society or corporation, appoint such number of special policemen, for lawful purposes, as it may deem necessary; and may, in its discretion, appoint ten or less members of the fire police. In each official year of the city a successor shall be appointed to each appointive city officer, having a fixed term of office expiring during such official year. Appointments made by the mayor, with confirmation of the common council, in any official year, for a full term, shall be made on or before the last day of February. Each appointment made by a city board in any official year, for a full term, shall be made on or before the first day of April, and after the appointment of the new member of the board in such official year. All appointments of school commissioners, fire and police commissioners, commissioners of public works and commissioners of charities, shall be so made that each of the four boards constituted by such commissioners respectively shall be non-partisan

or bi-partisan; that is to say, so that when each commissioner so appointed enters upon his office, the board of which he thereby becomes a member, shall be composed of an equal number or representatives of each of the two principal political parties casting the highest and next highest number of votes, respectively, at the next preceding general election.

§ 15. Terms of office of appointive officers.—The term of office of the city clerk shall be one year; of the city attorney, one year; of the overseer of the poor, two years; of the city engineer, two years; of the city sealer of weights and measures, one year; of each commissioner of deeds, two years; of each appointive school commissioner, three years; of each fire and police commissioner, commissioner of public works and commissioner of charities, four years; of the chief engineer, the first assistant engineer and second assistant engineer of the fire department, of the superintendent of the fire alarm telegraph, of each member of the fire police, one year; of the chief of police, of the assistant chief of police, of each of the four patrolmen, of each of the additional patrolmen, two years. Each special policeman shall hold office during the pleasure of the board of fire and police. Each extra patrolman shall serve for such time as the board of fire and police shall deem necessary, not exceeding ten days.

§ 16. Commencement and expiration of terms of office; holding over after expiration of term.—The term of office of each officer elected at an annual city election shall commence with the commencement of the next official year after such election, except that the term of office of each justice of the peace so elected, shall commence on the first day of January after his election. The term of office of each officer appointed by the mayor, with the confirmation of the common council, for a full term, shall commence on the first day of March of the official year in which the appointment is required to be made. The term of office of each officer appointed by a city board, for a full term, shall commence on the first day of April of the official year in which the appointment is required to be made. No elective officer, except the city treasurer, shall hold over or continue in office after the expiration of his term. The city treasurer and each appointive officer shall hold over and continue in office after the expiration of his term until his successor shall be chosen and be qualified to enter upon the duties of his office. For the purpose of computing the

compensation to which each such officer is entitled, his term of office shall be deemed to be the term of his actual service therein, instead of being computed by the official year of service.

§ 17. **Compensation of appointive city officers.**—The following appointive city officers of said city shall be entitled to receive from the city compensation for their services at the following rates, respectively: The city clerk an annual salary of one thousand dollars; the city attorney, an annual salary of one thousand dollars; the city engineer, an annual salary of two thousand dollars; the overseer of the poor, an annual salary to be fixed by the city board of charities, not exceeding five hundred dollars; the chief of police sixty dollars per month; the assistant chief of police, fifty-five dollars per month; each patrolman, fifty dollars per month; each extra patrolman, three dollars per day. Each special policeman may receive compensation from the person, society or corporation requesting his appointment, but not from the city. The chief engineer, first assistant engineer, the second assistant engineer of the fire department, and the superintendent of the fire alarm telegraph shall receive such compensation as shall be fixed by the board of fire and police, not exceeding a total compensation for all of such officers in any one year, of five hundred dollars. The inspectors of election, the health officer and such other officers as are authorized to be appointed by general laws, shall receive such compensation as is provided by general law. No other appointive officer of the city shall be entitled to receive from said city any compensation for his services, unless otherwise provided by a general law.

§ 18. **Official salaries, when payable; fees and perquisites.**—The salaries of city officers shall be payable in such installments and at such time as the common council shall determine. The compensation fixed by the common council, or by law, for the several officers shall be in full for all services which they shall respectively perform for said city in any and all capacities. All fees and perquisites received by such officers shall, except as otherwise especially provided by or in pursuance of law, be paid into the treasury for the benefit of the contingent fund.

§ 19. **Suspensions and removals of appointive city officers.**—The mayor may suspend orally or by writing, for ten days or less, at any one time, any officer of said city appointed by either the

board of fire and police, board of public works or board of charities, but shall not suspend the same person more than twice in any one year. The mayor shall forthwith, after any such suspension, report the reasons for such suspension to the board which appointed the officer so suspended, and it shall be the duty of such board forthwith to investigate such charges, giving the officer suspended reasonable notice thereof and a reasonable opportunity to be heard, and the board shall remove such officer if in its judgment there be sufficient grounds therefor. The mayor may suspend, orally or by writing, for ten days or less, at any one time, any officer of said city appointed by the mayor, with the confirmation of the common council, but he shall not suspend the same person more than twice in any one year. In each case of such suspension, the mayor shall forthwith report to the common council the reasons for such suspension. It shall be the duty of the common council forthwith to investigate the reasons for such suspension, giving the officer suspended reasonable notice thereof and a reasonable opportunity to be heard, and the common council shall remove such officer if, in its judgment, there be sufficient grounds therefor. Each officer appointed by the mayor, with the confirmation of the common council, may be removed by the common council for any cause by it deemed sufficient upon charges, giving such officer reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended by the common council pending such investigation. Each city board may remove any city officer appointed by such board, for any cause by it deemed sufficient upon charges, giving such officer reasonable notice thereof and a reasonable opportunity to be heard, and such officer may be suspended by said board pending such investigation.

§ 20. Filling vacancies in city offices.—If a vacancy shall occur, otherwise than by expiration of term, in any elective office of the city, the common council shall appoint a person to fill such vacancy until the end of the official year in which said vacancy occurs. If the term of office of the officer vacating his office continues beyond the official year in which such vacancy occurs, a person shall be elected at the next annual city election after the occurring of such vacancy to fill such vacancy for the remainder of the unexpired term. A vacancy occurring in any appointive office of the city, otherwise than by expiration of term,

shall be filled, for the balance of the unexpired term, by the same authorities and in the same manner as an appointment for a full term.

ARTICLE III.

City Officers; their General Powers and Duties.

Section 30. Official oaths required of all city officers.

31. Official bonds of city officers.

32. Liability of city officers for unauthorized expenditures and other official misconduct.

33. When expenditures to be by contract to lowest bidder.

34. City officers authorized to administer oaths and take affidavits and acknowledgments.

35. General powers and duties of the mayor.

36. General powers and duties of the city clerk.

37. General powers and duties of the city attorney.

38. General powers and duties of the city treasurer.

39. General powers and duties of the city engineer.

40. Justices of the peace.

41. Constables.

42. Board of education.

43. Commissioners of excise.

44. Preparation of list of trial jurors by supervisors and city clerk.

45. Payments of money must be made from and into contingent fund when not otherwise provided.

§ 30. Official oaths required of all city officers.—Each officer of the city shall, before he enters upon the duties of his office, take and file his official oath in accordance with article thirteen of the constitution and section ten of the public officers' law, and for omission so to do he shall be subject to the liabilities and penalties prescribed by section forty-two of the penal code and sections thirteen, fifteen and twenty of the public officers' law. Each mayor, clerk, recorder and commissioner of deeds shall, forthwith upon his election or appointment, file a certificate by the city clerk of his election or appointment with, and also take and subscribe the constitutional oath of office before the clerk of the county of Herkimer.

§ 31. Official bonds of city officers.—Each city clerk, justice of the peace, constable, city engineer, overseer of the poor, recorder, chief of police, assistant chief of police, patrolman

and additional patrolman of said city, shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section sixteen of the statutory construction law, and sections eleven, twelve and thirteen of the public officers' law; and for omission so to do, shall be subject to the penalties and liabilities prescribed by section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law; except as herein otherwise provided, the penal sum named in any such bond, or the sum specified in any such undertaking as the maximum amount of liability thereon, shall be fixed by the common council.

§ 32. Liability of city officers for unauthorized expenditures and other official misconduct.—No officers of said city or other person shall have power or authority to make any purchase in behalf of, or on the credit of the city, or to contract any debts or liabilities against the city, unless authorized so to do, by or in pursuance of law; and no account, claim or demand of any kind shall be audited, allowed or paid unless so authorized. If any officer of the city shall vote for any appropriation or for the payment or expenditure of any moneys, not authorized by or in pursuance of law, such officer shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action, and shall be guilty of a misdemeanor. If the common council or any city board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the city, for any purpose, exceeding the amount authorized by or in pursuance of law, to be expended for such purposes, each officer voting for such resolution shall be personally liable for the amount thereof but the city of Little Falls shall not be liable therefor, and neither the common council nor any city board or city officer shall pay any debt or expenditure so contracted or made. If any officer of the city authorized to make any contract in his official capacity, or to take part in making any such contract, becomes voluntarily interested in such contract, he shall be liable to the penalty prescribed by section four hundred and seventy-three of the penal code. If any person having been an officer of said city, whose term of office has expired, shall not, within five days after notification and request deliver to his successor in office all property, papers and effects of every description in his possession or under his control

belonging to the said city, or appertaining to such office, he shall be liable to a penalty of one hundred dollars, to be recovered by the city in a civil action, together with all damages caused by his neglect or refusal, and he may also be proceeded against, as provided by section two hundred and forty-seven-a of the code of civil procedure, and section fifty-seven of the penal code.

§ 33. When expenditures to be by contract to the lowest bidder.—Whenever any expenditures to be made or incurred by the common council or city board, or any city officer in behalf of the city for work to be done, or materials or supplies to be furnished, except ordinary repairing and macadamizing of streets, shall exceed two hundred dollars, the city clerk shall advertise for and receive proposals therefor, in such manner as the common council, or as the board or officer charged with making such contract shall prescribe, and the contract therefor shall be let to the lowest responsible bidder, who shall give one or more sureties, being freeholders, for the faithful performance of the contract. Each surety shall make oath, in writing, that he is worth a sum double the contract price, over and above all debts and liabilities he owes or has incurred and exclusive of property exempt from execution, but where the contract-price exceeds two thousand five hundred dollars, the amount in which the surety is required to justify may be made up by the justification of two or more sureties, each in a smaller sum, but in that case a surety cannot justify in a less sum than five thousand dollars; and, where two or more sureties are required to justify, the same person cannot so contribute to make up the sum for more than one of them. When the lowest bid, in the opinion of the common council, board or officer charged with making the contract is too high, they shall have the right to reject it, and may discontinue or abandon the work or may direct the clerk to advertise for new proposals, or with the consent of the common council, such work may be done without public letting. If, however, the estimated expenditure does not exceed one thousand dollars, the work may be done without a public letting, if the common council, by resolution, consent thereto.

§ 34. City officers authorized to administer oaths and take affidavits and acknowledgments.—Each mayor, clerk, recorder and

commissioner of deeds of the city shall have the same power and authority to administer oaths and take and certify affidavits and acknowledgments as a justice of the peace of the city.

§ 35. General powers and duties of the mayor.—The mayor of said city shall be the chief executive officer thereof. It shall be his duty, generally, to maintain the peace, good order and prosperity of the city; to take care that the laws of the state and the ordinances of the common council and board of health of the city are faithfully executed therein. He shall have power and authority to call out and command the police and firemen of the city whenever in his discretion he shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary for the prevention or suppression of public disturbances, mobs, or riots, it shall be his duty to take such action as is authorized by chapters III and IV of title II, part II of the code of criminal procedure, section one hundred and sixty-two of the military code and section twenty-one of the general municipal law. It shall be his duty to exercise a constant supervision and control over the conduct of all city officers, and he shall have power and authority to examine at all times the books, vouchers and papers of any officer or employe of said city, and to take and hear testimony and proofs in relation thereto, and to require the attendance of witnesses to give such testimony and proof in pursuance of sections eight hundred and forty-two to eight hundred and sixty-nine of the code of civil procedure. He may designate, from time to time, the place in said city where he will keep his office. It shall be the duty of the mayor to communicate to the common council as soon after his election as practicable, and during the month of March, and thereafter as he may deem expedient, a general statement of the affairs of the city in relation to its finances, government and improvement, with such recommendations as he may deem proper.

§ 36. General powers and duties of the city clerk.—The city clerk of said city shall be ex-officio clerk of the common council, of the board of fire and police, of the board of public works, of the board of charities, of the board of excise, and ex-officio clerk and registrar of the board of health of said city. He shall devote his time wholly to the duties of his office and shall perform such duties incident to his office as may be required by the

common council or by any such board. He shall keep the minutes of the meetings of the common council and of each board of which he is ex-officio clerk, and shall record in books to be kept for the purpose, all proceedings of the common council and of each such board, and index the same. He shall have charge, custody and control of the corporate seal, books, papers, documents and official minutes of the city, except as otherwise provided by or in pursuance of law. He shall keep a book, and alphabetically index and record therein all bonds of city officers as well as all contractors' or other bonds running to the city or any of its officers, and note therein the date of filing each such bond. He shall, upon request and payment of the fee therefor, make certified copies of all records and documents in his possession or under his control, as such clerk or ex-officio clerk, and may affix the corporate seal of the city to any such certificate, and such seal shall be deemed to be his official seal, and any such certified copy shall be evidence as provided in section nine hundred and thirty-three of the code of civil procedure. He shall be entitled to demand and receive fees for such certified copies, at the rate of ten cents per folio, from each person other than a city officer, upon whose request any such certified copy is made and delivered. He shall keep an accurate account of all fees and moneys received by him as such clerk or ex-officio clerk, other than his salary, including fees received by him as registrar of the board of health, and shall, within ten days after the receipt thereof in each case, pay the same over to the city treasurer to the credit of the contingent fund, for which he shall take a receipt and file the same in his office. Such receipts shall, at all times, be subject to examination by the common council, or any member thereof. The office of the city clerk shall be a town clerk's office, and the city be deemed a town for the purposes of depositing and filing therein all books and papers required or authorized by law to be filed in a town clerk's office, and the city clerk shall possess the power and discharge all the duties and liabilities of a town clerk in relation thereto.

§ 37. General powers and duties of the city attorney.—It shall be the duty of the city attorney of said city to prosecute all civil actions and proceedings by, and to defend all civil actions and proceedings against said city, and every board or

officer thereof in their official capacity, and to perform all other legal services in behalf of said city, relating to its affairs. He shall, whenever requested by the mayor or recorder of the city, appear and prosecute in behalf of the people, all criminal actions and special proceedings of a criminal nature, pending before the recorder of the city, or any court of special sessions held by the recorder. No action or proceeding shall be commenced by the city attorney unless directed by the mayor, common council or board of public works. The costs in actions and proceedings in which the city shall prevail, and which shall be collected from the adverse party, together with all moneys collected or received by the city attorney other than his salary, shall belong to the city, and upon payment or receipt thereof shall be immediately paid over to the city treasurer and placed to the credit of the contingent fund.

§ 38. General powers and duties of the city treasurer.—The city treasurer shall be the chief fiscal officer of the city, and shall perform such duties incident to his office as the common council may require. He shall keep an office at such place as the common council shall designate, which shall be kept open each day in the year, except Sundays and legal holidays, from nine o'clock in the forenoon until three and a half o'clock in the afternoon, and at such other hours as the common council may, from time to time, direct. He shall keep separate accounts of the different funds of the city, and shall not pay out any money chargeable to any fund in excess of the amount standing on his books to the credit of such fund, and shall not knowingly pay money from any fund which is not properly chargeable thereto. The city treasurer shall, before the first meeting of the common council in each month, file with the city clerk a report showing in detail the total expenditures and receipts of city moneys during the next preceding calendar month; a summary statement of the receipts and expenditures of city moneys during that portion of the current fiscal year expiring with the last day of such preceding month, and the balance at the end of such month standing to the credit of each of the city funds. Such statement shall be in such form as shall be prescribed, from time to time, by the common council. An abstract of such report shall be published each month, at least once in each of the official newspapers of the city. Before entering upon the duties of his office, he shall

execute and file with the city clerk of Little Falls a bond in such penal sum as may be fixed by the common council, not less, however, than double the amount of money estimated as likely to be received by him for city purposes during the fiscal year. Such bond shall be executed by, at least, four sureties, or by two sureties, and some solvent surety company, and be approved by the common council. A certificate by the city clerk of such approval shall be indorsed thereon, and the bond so indorsed shall be filed and recorded in the clerk's office of the county of Herkimer, in the same manner as the official bonds of town collectors, and such bond shall be a lien on all real property of such treasurer and of each of such sureties in the county of Herkimer, until the conditions of such bond, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon the common council may, by resolution, declare that such bond is satisfied and a copy of such resolution, duly certified by the city clerk, may be filed and recorded in the office of said county clerk, and shall operate to discharge the same and the lien thereof from record. It shall be the duty of the treasurer, personally, to receive all county, city and local taxes and assessments which may be paid at such office, and to retain there, and not elsewhere, the possession of the warrants and assessment-rolls which may, from time to time, be delivered to him by the supervisors or clerk of the city. He shall enter daily, in suitable books, all sums of money received by him for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid, and the ward for which such taxes are received, and shall, at the expiration of each month, exhibit the same in his office to the mayor and finance committee of the common council for inspection. He shall also enter in a column in the assessment-rolls in his possession, opposite the names of the persons or corporations who shall pay their taxes or assessments, the fact of payment, the amount thereof, and the date when paid. He shall also keep a record of all persons, and their respective addresses, who may pay taxes for non-residents of said city, and the addresses of such non-residents, so far as he can ascertain the same.

§ 39. General powers and duties of the city engineer.—The city engineer of said city shall keep in his office, books and records

in which shall be entered the survey and map of every street, park, cemetery, avenue or lane and the grade thereof, and sidewalks, water-mains, sewers, sewer inlets, with location and grade thereof, as far as practicable, heretofore established or which may hereafter be established by the common council. Such books and records shall be properly indexed and transmitted, with all other matters pertaining to his office, to his successor. He shall perform all of the civil engineering required by the common council and by the board of public works and by the other departments and officers of said city. He shall personally superintend the opening, making, constructing, paving, macadamizing, repairing, grading and establishing the grade of all streets, side and cross-walks, gutters, sewers, sewer inlets, and the measurement of all work done on the same or on other public places in the city, and make all preliminary surveys therefor, and prepare plans, profiles and specifications therefor when necessary or when required so to do by the common council or board of public works. He shall, subject to the direction of the board of public works, superintend all repairs and improvements to and upon streets and public places of the city, including the cleaning of the streets, the building and repairing of sewers, side and cross-walks, gutters and all bridges which the city is bound to maintain; the digging of reservoirs, wells and cisterns; the laying of gas and water-pipes and the setting of hydrants in the streets, and shall perform such other duties as may from time to time be required by the board of public works. He shall devote his whole time to the duties of his office, but shall have no power to contract any debt or liability on the part of the city, except as authorized by the common council or the board of public works.

§ 40. The justices of the peace.—The justices of the peace of the city of Little Falls shall have the same powers, duties and jurisdictions, and be subject to the same liabilities as if the city of Little Falls were a town in the county of Herkimer, and they were the justices of the peace thereof, except that they shall have no jurisdiction in any criminal action or special proceeding of a criminal nature, other than a bastardy proceeding, for or on account of any offense committed or charged to have been committed within said city, except as herein provided in case of the absence or disability of the recorder.

§ 41. **The constables.**—The constables of said city shall have the same powers, duties and jurisdictions, and be subject to the same liabilities as if the city of Little Falls were a town, and they were constables thereof, except that no constable of the city shall be compelled to execute any criminal process or do any other criminal business, nor shall any constable of the city be entitled to receive any compensation for his services in any criminal actions or any special proceedings of a criminal nature for or on account of any offense committed, or charged to have been committed, within said city.

§ 42. **The board of education.**—The school commissioners of the city of Little Falls shall also be school commissioners of the union free school district of the city of Little Falls and shall constitute the board of education of the city of Little Falls and the board of education of the union free school district of the city of Little Falls. The superintendent of public instruction shall apportion the State school moneys to the city of Little Falls, in the same manner as to cities having special school acts and for that purpose this act shall be deemed a special school act, within the meaning of the consolidated school law.

§ 43. **The commissioners of excise.**—The powers, duties and liabilities of the commissioners of excise of the city of Little Falls shall be such as are prescribed by general laws, except that before issuing any license they shall fix the fee therefor, and the amount of such fee shall be paid to the city treasurer to the credit of the poor fund, and the treasurer's receipt therefor shall be produced to the board of excise; and except that all moneys, which under operation of the general laws are paid to the board of excise of the city, shall be paid instead to the treasurer of the city of Little Falls; and also except as otherwise provided in this act.

§ 44. **Preparation of lists of trial jurors by supervisors and city clerk.**—The supervisors of the city and the city clerk shall perform the duties of the supervisor, town clerk and assessors of a town as provided by chapter ten, title three, article second of the code of civil procedure, respecting the selecting, drawing and procuring the attendance of trial jurors, and for that purpose said city is to be deemed a town.

§ 45. **Payments of money must be made from and into contingent fund when not otherwise provided.**—Except as herein

otherwise provided, all moneys belonging to said city shall be paid to the treasurer thereof and deposited to the credit of the contingent fund; and all payments of money made by said city or by any board or officer thereof, when authorized by or in pursuance of law, and the fund from which such payment is not otherwise designated, shall be made from the contingent fund.

ARTICLE IV.

The Common Council.

- Section 50. Organization and procedure of the common council.
51. Mayor's approval and veto.
 52. Time of taking effect of resolutions and ordinances.
 53. Maximum amount of the annual city tax levy.
 54. Annual estimates and reports by boards and officers to the mayor.
 55. Determination of the amount of annual city tax levy.
 56. Subdivision of fund.
 57. General legislative powers.
 58. Audit of claims by common council, and payment thereof.
 59. Direction by common council of expenditures by board of public works.
 60. Improvements and removal of nuisances at expense of owners.
 61. Official newspapers.
 62. Numbering and naming streets.
 63. Licensing occupations.
 64. Recovery from officers of amount of city debts contracted without authority.
 65. Ordinances.
 66. Violation of ordinances.
 67. Improvements payable wholly or partially by local assessments.
 68. Declaration of intention to make local improvement.
 69. District of assessment.
 70. Special provisions as to sewers.
 71. Notice of proposed improvement.
 72. Objections to improvements and decision thereon.
 73. Expenses, by whom assessed.

Section 74. Assessment roll.

- 75. Appeal from assessment.
- 76. Collection of local assessment.
- 77. Opening and altering streets.
- 78. Assessment of benefits.
- 79. Payment of compensation.
- 80. Sale and purchase of real property by the city.

§ 50. Organization and procedure of the common council.—The common council shall be composed of the mayor and alderman of the city. The mayor shall be the presiding officer of the common council, but shall have no vote therein except in case of a tie, when he shall have the casting vote. At all meetings of the common council each alderman present shall have one vote. At the first meeting of the common council in each official year, or as soon thereafter as practicable, the common council shall choose one of the alderman to be temporary president, who shall during such official year be the presiding officer of the common council in the absence of the mayor, and while the mayor is absent from the city or unable to perform his duties be acting mayor and have all the powers and duties and be subject to all the obligations and liabilities of the mayor. The temporary president of the common council shall not lose his vote as alderman by reason of his acting as presiding officer of the common council at any time, but when he shall vote as an alderman he shall have no casting vote on a tie. The common council shall meet in the common council rooms at such times during each official year, after their first meeting, as they shall by resolution designate. The presence of a majority of the whole number of aldermen shall constitute a quorum of the common council. A majority of the aldermen present and voting at any meeting of the common council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by a tax, shall pass unless it shall receive the assent of a majority of all the aldermen in office and except as otherwise provided by this act. The ayes and noes shall be called and recorded on all resolutions authorizing or involving the expenditure of money or collection of money by tax. A less number than a quorum may adjourn. The attendance of absent members

may be compelled by the common council, or by a meeting thereof at which less than a quorum is present.

§ 51 Mayor's approval and veto.—Every resolution or ordinance of the common council, except rules for its own government and resolutions for the appointment of officers, shall before it takes effect be presented, duly certified by the clerk, to the mayor. If the mayor approve thereof, he shall sign it within ten days after the receipt thereof by him, and file it so signed with the city clerk. If the mayor does not approve it, he shall within ten days after the receipt thereof by him return it to the city clerk with his objection thereto in writing, and a statement that he does not approve thereof, and it shall have no force or effect unless the common council shall thereafter reconsider it and pass it over the mayor's veto by the concurring vote of at least two more than one-half of the total number of aldermen, which vote shall be taken by ayes and noes and entered on the minutes together with the objections of the mayor. If any such resolution or ordinance so presented to the mayor shall not be returned by him to the city clerk within ten days after the receipt thereof by the mayor, it shall on the expiration of such ten days have the same force and effect as if it had been approved by him and filed with the city clerk. If any such resolution contain one or more items appropriating money, the mayor may sign it with a written statement appended thereto, that he objects to one or more of such items, and each item so objected to shall have no force or effect unless each such item be reconsidered separately by the common council and passed over the mayor's veto in the same manner as a resolution wholly vetoed. Except rules for the government of the common council and appointments to office, no resolution or ordinance of the common council shall have any force or effect, or be deemed to have been enacted by the common council, unless either it be approved by the mayor, or be not returned by the mayor to the city clerk within ten days after the receipt thereof by him, or unless it be passed over the mayor's veto in pursuance of this section.

§ 52. Time of taking effect of resolutions and ordinances — Any resolution or ordinance enacted by the common council may specify the time when it shall take effect, but no such ordinance shall take effect until after its publication, at least once in each of the official newspapers of the city, notwithstand-

ing the specification therein of a previous time for its taking effect. If no time be specified in any ordinance so enacted for its taking effect, or if it specify that it shall take effect immediately, it shall take effect upon the completion of its publication once in each of the official newspapers of the city and not before. If no time be specified in any such resolution for its taking effect, or if it specify that it shall take effect immediately, it shall take effect on its approval by the mayor, if he approves it; or, if he fails to return it to the clerk within ten days after the receipt thereof by him, it shall take effect on the eleventh day after such receipt thereof by the mayor; or, if he return it with his disapproval and it be passed over his veto, it shall take effect at the time of its passage over his veto.

§ 53. Maximum amount of annual city tax levy.—The common council of the city may raise by tax upon the real and personal property assessable in the city, in each year:

a. For the fire and police fund, a sum not exceeding ten thousand dollars.

b. For the poor fund, a sum not exceeding two thousand dollars.

c. For the park and cemetery fund, a sum not exceeding fifteen hundred dollars.

d. For the fire hydrant fund, a sum not exceeding six thousand five hundred dollars.

e. For the street fund, a sum not exceeding twelve thousand dollars.

f. For the paving fund, a sum not exceeding five thousand dollars.

g. For the lighting fund, a sum not exceeding ten thousand dollars.

h. For the contingent fund, a sum not exceeding twelve thousand dollars.

The aggregate for the annual tax levy for all the purposes in this section above specified, shall not exceed the sum of fifty-three thousand dollars. In addition to the amounts which shall be included in the annual tax levy for the foregoing purposes, there shall also be included therein for the purposes and uses of the board of education, such sum or sums as the board of education shall declare necessary, in pursuance of general laws; and also such amount as shall be necessary to meet the principal and interest

on the bonded and other indebtedness of the city falling due during the fiscal year for which the tax is levied, and to meet all indebtedness remaining unpaid on all judgments against the city; and such further sums as shall have been voted at an annual city election, or at a special city election called for the purpose, and also such other sums as the common council is authorized to expend for the purchase or improvement of real estate, by section eighty of this act.

§ 54. Annual report and estimates by boards and officers to the mayor.—The board of public works and the board of fire and police, the city board of charities and the board of education shall each deliver to the mayor on or before the fifteenth day of March in each year a report of all expenditures made or incurred by such board during the year, ending with the last day of February next preceding, showing separately and by items the amount expended from each fund which may be drawn on by such board. the balance at the end of such year standing to the credit of each such fund; the amount that will probably be expended from each such balance during the months of March and April next following, and the purposes for which such expenditures will probably be made; the balance, which in the judgment of such board will probably be standing to the credit of each such fund at the beginning of the next fiscal year; the amount which in the judgment of such board will need to be expended during the next fiscal year from each such fund, with the items thereof and the reasons therefor so far as practicable, and the amount and condition of all trust funds held by them. The board of fire and police shall also include in its report an estimate of the amount which will probably be paid into the city treasury during the next fiscal year for excise licenses. The city clerk shall on or before the fifteenth day of March in each year deliver to the mayor a report showing separately and in like detail the expenditure from the lighting fund, and the contingent fund. during the year ending with the last day of February next preceding; the balance at the close of such year standing to the credit of each of such funds; the amount that, in his judgment, will probably need to be expended from and will probably be paid into each fund during the months of March and April next following; the amount that, in his judgment, will probably be standing to the credit of each of such funds at the

beginning of the next fiscal year; an estimate of the amount which, in his judgment, will probably need to be expended from each of such funds during the next fiscal year; a statement in detail of all judgments against the city then remaining unpaid; an itemized statement of the principal and interest on all bonded or other indebtedness of the city that will fall due during the next fiscal year; a statement in detail of the amount of unpaid taxes and local assessments theretofore assessed and remaining unpaid, and the amount which, in his judgment, will probably be received by the city therefrom during the next fiscal year; all expenditures made or incurred by the city and chargeable to property owners or other persons and remaining unpaid and the amount which, in his judgment, will probably be received by the city therefrom during the next fiscal year; the amount which, in his judgment, will probably be received by the city as fees for licenses, other than excise licenses, during the next fiscal year; the amount of fees received by him for certified copies of papers during such preceding year and the amount of such fees that will, in his judgment, probably be received by him for such fees during the next fiscal year; and an estimate of all other probable receipts and expenditures of the city during the next fiscal year, which no other officer or city board is required by this section to include in its annual report. The recorder shall deliver to the mayor on or before the fifteenth day of March in each year a report of all moneys received by the recorder for fines and penalties during the year ending with the last day of February next preceding and an estimate of the amount of fines and penalties that in his judgment will probably be received by the recorder during the next fiscal year. The mayor may require further or more detailed financial reports from any of such boards or from any city officers.

§ 55. Determination of amount of annual city tax levy.—The mayor of the city shall on or before the first day of April in each year present to the common council his estimate of the amount deemed by him necessary to be raised by taxes in the annual city tax levy for the ensuing fiscal year for each of the city funds, except the school fund; the total amount deemed by him necessary to be raised by taxes in such annual city tax levy and the amount which, in his judgment, will probably be received

by the city during such fiscal year from all other sources than the annual city tax levy, specifying the amount from each source by items. He shall at or before the time of presenting such estimates file with the city clerk the reports delivered to him in pursuance of the preceding section. The common council shall on or before the fifteenth day of April in each year consider such estimates and may revise such estimates for all funds, except the school fund, by increasing or reducing the amount of the mayor's estimate therefor, and shall finally determine the amount to be included in the annual city tax levy for the ensuing fiscal year for each such fund, which shall not in any case exceed the maximum amount thereof as limited by this act; and shall finally determine the total amount to be raised by taxes in the annual city tax levy for the next fiscal year, which shall not exceed the amount limited therefor by this act. Such determination shall be subject to the veto of the mayor, and to be passed over his veto as in this act provided.

§ 56. Subdivision of funds.—The common council may subdivide the funds of the city, as established by this act, and the city treasurer shall restate his accounts of the funds so subdivided accordingly.

§ 57. The general legislative powers.—The general legislative powers of said city for all proper municipal purposes, except such powers as may be vested in other city boards or officers, shall be vested in the common council thereof. The common council shall provide for lighting the streets and public places of the city, the expense of which shall be payable from the lighting fund; shall furnish the officers of the city with necessary office room, office furniture, books and stationery; shall keep in proper repair the public buildings of the city; may contract for music in the public parks; may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition, and if not, may require the same to be made so; to require any officer of the city to furnish reports, information or estimates whenever deemed proper by the council; employ a pound keeper and such other employes of the city as may be necessary to execute the work which the common council is authorized or required to cause to be executed, and may fix their compensation. All expenditures made or incurred by the common council for other than lighting purposes shall be payable from the contingent fund.

§ 58. Audit of claims by common council and payment thereof.—All accounts and claims against said city of whatever nature, except such as may lawfully be made, incurred and paid by the board of fire and police, the board of public works, the city board of charities or the board of education, shall be presented to the common council for audit, and the same shall be referred to a standing committee thereof composed of the aldermen from each ward having the shortest time to serve, to be called the committee on auditing accounts. It shall be the duty of said committee to inquire and examine into said claims or accounts and they may take proofs on oath in relation thereto, and shall report thereon to the common council, with their reasons, and the common council shall then hear, examine and determine the same. The common council may prescribe the form of affidavit to be sworn to and annexed to bills against the city. The accounts and claims so audited shall be paid by the treasurer on the warrant of the mayor countersigned by the city clerk, specifying the amount as audited and the fund from which it is payable. The clerk shall keep a record of every such warrant.

§ 59. Direction by common council of expenditure by board of public works.—The common council shall order the board of public works to make such construction, improvements or repairs of public works as are within the jurisdiction of the board of public works and as the common council shall deem necessary, and the common council may limit the amount of the expenditure therefor in each case, but the plans, specifications and manner of executing such orders shall be made or approved by or under the direction of the board of public works.

§ 60. Improvements and removal of nuisance at expense of owner.—The common council shall have power to direct the digging down, draining or filling up of lots whenever deemed necessary to prevent injury to the streets, side or crosswalks at the expense of the owner of such lots; to direct the sweeping and cleaning of the streets by the persons owning or occupying the premises fronting thereon; to order and regulate the planting, removing, rearing, trimming and preserving of ornamental and shade trees in the streets of the city at the expense of the owners of the property fronting thereon; to regulate and provide for the erection of a railing or guard along the streets and side-

walks in exposed and dangerous places, and to compel payment of the expenses thereof by the abutting owners; to require any building, fence or any other erection within the line of any street to be removed therefrom by the owner or occupant of the abutting property, and in case of his neglect so to remove the same, to cause its removal at the expense of such owner or occupant; to compel the owner or occupant of any building or wall which it may deem to be in a dangerous or unsafe condition by reason or on account of fire or otherwise to render the same safe or to take down and remove the same, and in case of his neglect so to do, to cause it to be taken down or removed at the expense of the owner or occupant; to direct the owner or owners of any building used for public entertainments or other public purpose to provide the same with suitable and sufficient fire escapes and means of exit in case of fire, in the manner provided by the common council, and in case of the failure or neglect of such owner so to do, to do such work at the expense of the owner; to authorize any city officer or any person designated by the common council to inspect any place or places to ascertain whether the same are in a safe condition, and if not to require the same to be made safe, and if the owner thereof shall neglect or refuse so to do, to cause the same to be made safe at the expense of the owner.

§ 61. Official newspapers.—The common council shall, at its first meeting of each official year, or as soon thereafter as practicable, designate two newspapers published in the city, not representing the same political party, in which shall be published the official proceedings, notices, resolutions, and ordinances of the common council, the ordinances of the board of health, and such other matters as the common council may direct to be published therein. Such newspapers shall be known as the official newspapers of the city. The affidavit of the publisher or proprietor of an official newspaper of the city shall be presumptive evidence of the fact of such publication.

§ 62. Numbering and naming of streets.—The common council may, by resolution, name the streets and public places of the city and regulate the numbering of houses, buildings and lots in the city.

§ 63. Licensing occupations.—If an ordinance of the city prohibits the carrying on of any occupation without a license there-

for, the common council may fix the fee for such license or may prescribe the minimum and maximum limits to the fee which may be charged therefor in the discretion of the mayor. All applications for such licenses shall be made to the mayor. The mayor may grant or refuse any such license, in his discretion. If the mayor determines to grant such license he shall issue an order to the city clerk to issue such license upon the production of a receipt from the city treasurer of the amount specified in such order as the fee for such license and the clerk on the production of such order and receipt shall issue such order accordingly. The treasurer shall credit all fees so received by him to the contingent fund. The clerk shall keep in his office a record of each license issued, the person to whom issued and the fee paid therefor.

§ 64. Recovery from officers of amount of city debts contracted without authority.—It shall be the duty of each common council immediately to ascertain the amount of debts contracted by the common council of the previous year or by any other city board or officers. If such indebtedness shall exceed the amount authorized by law, the common council shall cause an action to be brought in the name of the city, to recover such unauthorized amount thereof, against the several aldermen or officers who have voted for the expenditure, constituting such indebtedness or any portion thereof, and against the mayor who may have approved a resolution therefor, and such money, when collected, shall be paid into the city treasury for the benefit of those entitled thereto.

§ 65. Ordinances.—The common council shall have power to enact, amend or repeal ordinances, applicable alike to the whole city, for the following purposes:

a. To preserve peace, good order and morals in the city; to regulate and preserve the real property and personal property of the city, and to regulate the use and management of, and to punish all unlawful interference with or injury to the water-works system or sewer system, cemeteries and property of the city.

b. To regulate the use of the streets and public places by foot passengers, vehicles, street cars, railways and locomotives; to regulate the speed of street cars through the city, and

prevent the obstruction of streets thereby; to regulate the deposit of building material in the streets and public places; to regulate traffic and sales therein; to prevent, prohibit and cause the removal of encroachments upon and obstructions thereto; to regulate and restrain the setting of poles and stringing of wires by telegraph, telephone and electric light companies therein; to regulate the cleaning of streets, alleys, lanes and public places, and the sidewalks and gutters therein; to regulate the removing of ice, hail or snow therefrom, and from the roofs of buildings abutting thereon; to regulate and prevent the throwing of ashes, offal, dirt or garbage therein, and to regulate the carting, drawing away and deposit or other disposal thereof; to regulate or prevent animals running at large therein; to regulate animals being driven, led or ridden therein; to regulate the cleaning thereof; to regulate the use thereof for signs, sign-posts, awnings, awning-posts, hitching-posts, horse troughs, horse blocks and public fountains; to regulate or prevent the driving of wagons, barrows, carts, bicycles or other vehicles, and all animals, over or upon any sidewalks; to regulate and prohibit coasting and skating in the streets and public places; to regulate the opening of street surfaces, the laying of gas and water mains, and the erection of gas and other lamp-posts, or other devices for lighting the streets; to prevent intoxication, fighting, quarreling and the use of blasphemous, obscene or repulsive and vulgar language in the streets or public places; to prohibit or regulate the erection or construction of any stoop, step, platform, bay window, cellar, area, stairs, descent or ascent into any building, or any erection or projection from any building, or otherwise in, over or upon any street or sidewalk, or the removal of any house or building through the streets of the city; to prohibit persons collecting and standing upon or occupying the streets, alleys, sidewalks, bridges, hallways, entrances, passages or stairways in said city; to require persons driving horses with sleighs or cutters to carry ringing bells either upon the horses, sleighs or cutters; to regulate the width of tires on all wheeled vehicles, and generally to preserve the streets and public places of the city free from all obstructions and disturbances therein or injury thereto, and from interfering with the free and peaceable use thereof by the public.

c. To suppress disorderly houses, houses of ill-fame, gambling, gaming tables and all instruments and devices employed in gaming; to regulate or restrain pool and billiard playing by minors in public places, and the playing by minors of games of chance in public places; to restrain and punish street beggars, vagrants and mendicants; to regulate and restrain all occupations and business noxious to comfort.

d. To prohibit the carrying on, without a license therefor granted by the mayor, of the following occupations: hawking and peddling in the streets and public places of the city; the business of public hackmen, cabmen, expressmen, cartmen, boatmen, pawnbrokers and junk dealers; to require licensed conveyances to be numbered; the business of runners for boats, stages, railroads, hotels, taverns or other houses; the business of theatrical or opera performances, concerts, circuses, acrobatic exhibitions, the exhibition of all curiosities, of all feats of legerdemain and necromancy or other exhibitions of common showmen; billiard rooms, bowling alleys and other places of similar amusements; the selling, keeping and storing of gunpowder, guncotton, blasting powder, and all dangerous or explosive materials.

e. To prohibit, regulate or restrain the exhibition and circulation and posting of advertisements and hand bills; the ringing and tolling of bells, blowing of horns and whistles, flying of kites, crying of goods and wares at auction, throwing of snow balls or ice, horse racing and immoderate driving; the use of guns, pistols, fire arms, fire works and detonating works of all descriptions; and public swimming or bathing in the waters in or surrounding the city.

f. For the impounding of cattle, horses, sheep, swine, geese and other domestic animals, and the sale of the same for penalties and costs; for the regulation or destruction of dogs which are allowed to roam at large or are dangerous.

g. To prohibit the erection or continuance of, and regulate and prescribe the location of slaughter houses, and of all places where cattle, sheep or swine shall be kept within said city and to prohibit the slaughter or keeping thereof in any other places than those so directed.

h. To regulate the sale and place of sale of wood, hay, straw, grain, lumber and other marketable articles from wagons,

sleighs and other vehicles and to fix the fees for weighing, selling or measuring the same; to regulate and designate public places or markets for the sale of fresh meats, fruit, poultry, butter, cheese, eggs, honey, vegetables, game, birds, fish and other articles usually disposed of from farmers wagons, and the fees for marketing privileges; to regulate the management, care and use of public markets.

1. To regulate the manner of erecting brick or stone, or other materials for walls, buildings and the thickness thereof; to prohibit or require the removal of any such as may be deemed dangerous; to raze or demolish any building or erection which by reason of fire or any other cause has or may become dangerous to human life or health, or tends to extend conflagration; to regulate the construction of chimneys and the sweeping thereof; to prevent the setting up or require the removal of stoves, pipes, boilers and other articles deemed dangerous; to prohibit or regulate the deposit of ashes; to regulate the carrying on of manufactures dangerous in causing or promoting fires; to prohibit and prevent the erection, construction or enlargement of wooden buildings within the fire limits; to require, regulate or permit such other acts to be done as they may deem proper to prevent the occurrence or to provide for the extinguishment of fires in the city.

§ 66. Violation of ordinances.—Any ordinance enacted by the common council may provide that any person violating such ordinance shall be guilty of a misdemeanor, or of disorderly conduct, or shall be liable to pay to the city a sum therein named as a penalty not exceeding one hundred dollars, to be recovered in a civil action. If no such provision be made in any ordinance as to the effect of a violation thereof every violation thereof shall be a misdemeanor. If a violation of any such ordinance be made a misdemeanor or disorderly conduct by or in pursuance of this act, and be also made either a misdemeanor or disorderly conduct by any other law, but one conviction shall be had on account of such conduct. If the violation of any ordinance constitute either a misdemeanor or disorderly conduct, and also render a violator liable to a penalty recoverable in civil action, the conviction of either disorderly conduct or a misdemeanor on account of such conduct shall be a bar to the recov-

ery of the penalty in the civil action; and the recovery and payment of a judgment for the penalty in a civil action shall be a bar to the prosecution for either the misdemeanor or the disorderly conduct on account of such violation. If the same conduct shall constitute a violation of an ordinance enacted by the common council of the city, in pursuance of this act, and also a violation of an ordinance of the board of health of the city enacted in pursuance of law, such ordinance of the board of health shall, so long as it remains in force and effect, supersede and nullify such ordinance of the common council. The city may maintain an action to restrain by injunction a violation of any ordinance of the common council or board of health, notwithstanding that such ordinance may provide a penalty for such violation.

§ 67. Improvements payable wholly or partly by local assessments.—One-third of the expense of paving or repaving any street or portion of a street in said city shall be borne by the city at large, and two-thirds thereof shall be defrayed by local assessments. The expense of macadamizing any street or portion of a street in the city shall be borne either wholly by the city at large or one-third by the city and two-thirds thereof by local assessment, as the common council shall determine. The expense of constructing sewers in said city shall be defrayed wholly by local assessment, except that if a sewer or any portion thereof be constructed of a greater diameter than one foot, the common council shall estimate the expense of a sewer of one foot in diameter of the same kind on the same line for the same distance, which estimated expense, shall be defrayed by local assessment, and the remaining expense thereof shall be paid by the city at large from the contingent fund.

§ 68. Declaration of intention to make local improvement.—No expenditure for any local improvement in said city, the expense of which is to be defrayed wholly or partly by local assessment, shall be incurred unless the common council shall first by resolution declare its intention to make such local improvement. The common council may, by resolution, declare its intention to construct or repair sewers, gutters and sidewalks or to sprinkle streets without preliminary petition therefor or consent thereto. The common council shall not declare its intention to make any other local improvement, the expense of which is to be borne wholly or partly by local assessment, unless the

owners of at least one-half of the total number of front feet linear measurement, or at least one-half in number of the owners of property on the street or part of a street upon which the proposed improvement is to be made petition therefor or consent thereto in writing, and a certificate of the city engineer be endorsed thereon or attached thereto, to the effect that he has examined such petition or consent, and that such required number of property owners have signed the same, which certificate shall be prima facie evidence of the facts therein contained.

§ 69. District of assessment.—After the common council shall have declared its intention to make any such local improvement, except as to gutters, sidewalks and sprinkling streets, before ordering the same done, the common council shall establish a district of assessment which shall contain all the property which, in the judgment of the common council, is likely to be benefited by such local improvement, and such board may at any time enlarge said district and cause notices to be published and served upon all persons within such enlargement. As to gutters, sidewalks and sprinkling streets, the common council may establish a district assessment or not, in its discretion.

§ 70. Special provisions as to sewers.—Each resolution of the common council declaring its intention to construct a sewer, shall specify therein the two points between which it is proposed to construct the same, the size thereof, and the materials of which it is proposed to be constructed. The city engineer shall forthwith on the passage of any such resolution, make a survey and prepare a map showing all the property within the city likely to be benefited by such sewer and a profile thereof, and an estimate of the materials required, the amount of each kind of excavation and total cost of constructing such sewer, and shall file such map, profile and estimate with the city clerk before the city clerk shall publish or serve notices of the proposed construction of such sewer. If any portion of such sewer shall be of a greater diameter than one foot, the city engineer shall include in such estimate the expense of constructing a sewer of one foot in diameter of the same kind, on the same line for the same distance and also the expense of constructing such larger sewer for the same distance. All sewers constructed in said city shall conform in all respects to the system of sewerage established under the provisions of chapter two hundred and

sixty-seven of the laws of eighteen hundred and eighty-two and the laws supplementary thereto and amendatory thereof, except it may be made to appear to the common council that said system is incorrect or capable of improvement, in which case the common council may, in its discretion, make any necessary changes to said system and may increase the size or change the grades of any sewers, and such changes shall be carried out by the board of public works with the advice of the city engineer. The common council may order sewers for the drainage of streets, cellars, buildings, lots, pools, vaults or for any other proper sewerage purpose to be constructed in any street, and with the consent of the owner, in, upon or across any real property outside of a street. If the common council shall declare its intention to construct any sewer in, upon or across the real property outside of the streets of said city, and the owners of such real property shall not consent thereto and the city is unable to agree with the owners of such real property upon the compensation to be made therefor, the board of public works, in the name and behalf of the city, may acquire the title, easement or right in or to such real property for such sewer by condemnation, in pursuance of the condemnation law. The costs and expenses of such condemnation proceedings, together with the compensation paid to the owner of such real property for such title, right or easement, shall be a part of the expense of the sewer, for which such land, right or easement was acquired. Such sums for inspection of the sewer as the officers making the local assessments shall allow, based upon the actual cost thereof, shall also be included in the expense of constructing the sewer.

§ 71. Notice of proposed improvement.—If a district of assessment has been established, then upon the passage of a resolution of the common council declaring its intention to make a local improvement, the expense of which is payable wholly or partly by local assessment, if the local improvement be a sewer, upon the filing by the city engineer of his map, profiles and estimate in relation thereto, the clerk shall prepare and sign a written notice of the proposed improvement specifying therein the time during which any person interested may file his objection thereto with the city clerk, which time shall not expire before the next regular meeting of the common council, and that in case no

objection is so filed within the time specified, all persons interested will be deemed to have acquiesced in the proposed improvement. Such notice shall either be published at least once in each of the official newspapers of the city at least ten days before the expiration of the time for objecting thereto or shall be served upon each owner of property within the district of assessment fixed for such improvement as follows: By leaving at his residence with some person of suitable age or discretion, and if he reside elsewhere, such notice may be served on his agent or other person having the property in charge, or by depositing it in the post-office properly enclosed, and the postage prepaid thereon, directed to such owner at his last known place of residence. If there be two or more owners of any one piece of property, service on any one of them shall be sufficient notice to the owners of such piece of property.

§ 72. Objections to improvement and decision thereon.—Objections to such improvement must be made in writing and filed with the city clerk within the time specified in such notice, and the common council may, at any regular meeting, within two months after the expiration of such ten days, subject to the mayor's veto as in other cases, order the improvement to be made by the board of public works.

§ 73. Expenses, by whom assessed.—Upon the certificate of the city engineer that the work of any local improvement has been completed, the board of public works shall direct the cost thereof to be assessed by the assessors of the city, provided the total cost thereof exceeds the sum of two hundred and fifty dollars; but if the total cost does not exceed that sum, then by the city engineer; and it shall be the duty of said assessors or engineer, as the case may be, to immediately assess the cost of such local improvement upon the property lying within the district of assessment declared for such improvement, if one has been established, and if not, then upon the property abutting upon such improvement, in an equitable manner, as near as may be, in proportion to the benefits which each owner of such property may be deemed to derive therefrom, without reference to erections or improvements thereon. Except as herein otherwise provided, the cost of any local improvement shall be deemed to include the entire expense thereof (including inspection) except for engineering, assessing and publishing and serving notices.

In any case where it is the duty of the city engineer or of the assessors, or either of them, to make an assessment for a local improvement, and such engineer or assessor owns or is interested in any real property within the district of assessment, established for any local improvement, or is related to any parties likely to be affected by the assessment therein for such local improvement, by consanguinity or affinity within the sixth degree, to be determined in the same manner as in the case of a judge, the officer or officers so related or interested shall be deemed disqualified. When an assessor is so disqualified the mayor, by and with the advice and consent of the common council, shall appoint a competent person to act in his stead, for that assessment only, and the person so appointed shall have the same powers, perform the same duties and receive the same per diem compensation as an assessor, and the amount allowed him therefor by the board of auditors shall be deducted from the salary of the assessor in whose place he is appointed to act, providing the salary to which such assessor is entitled for the preceding year be the maximum sum hereby allowed. When the city engineer is so disqualified, his duties with reference to such assessment shall devolve upon and be performed by the city attorney.

§ 74. Assessment roll.—They shall make out an assessment roll and set the amount of the tax assessed in the last column of the roll, opposite the name of the person, corporation, association or property assessed, and shall leave the said roll at their office, and thereupon give public notice in the official papers for one week that such assessment roll has been prepared and will remain at the office of the city clerk for the term of fifteen days from the date of such notice, during which time any person interested may examine said roll and at the expiration of said fifteen days, and on the day and hour, and at the place to be specified in said notice, the said assessors or city engineer shall meet and hear any objections to said assessment, and shall decide upon the same and shall, if need be, alter and correct said assessment roll, and when completed, sign the same and file it with the city clerk.

§ 75. Appeal from assessment within one week after such assessment-roll is filed with the city clerk.—Any party thinking himself aggrieved may file with the clerk a written appeal there-

from, briefly stating the grounds of such appeal. The common council shall thereupon proceed to hear and determine such appeal or appeals, upon view of the property assessed, or upon evidence, or both, and affirm or reverse the assessment. In case of affirmance, the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken. In case of reversal the common council shall appoint three disinterested freeholders of the city, who shall proceed in like manner and for such purpose be invested with the same powers as the assessors or city engineer of the city, commissioners to make a new assessment. They shall make their tax roll in the same manner and sign the same and file it with the city clerk, which shall be conclusive upon all parties. Such commissioners shall receive three dollars per day for their services, to be paid by the city, unless the assessments of the appellants, as determined by said commissioners, shall be less favorable to them than the assessment appealed from, in which case the fees of such commissioners shall be paid by the appellants and added to the amount of their taxes respectively by the commissioners, in proportion to the amount thereof.

§ 76. Collection of local assesement.— If no appeal be taken from the first assessment-roll filed with the city clerk, or if an appeal be taken therefrom and such assessment be affirmed, the common council shall cause the proper warrant to be attached thereto and to be delivered to the city treasurer. If an appeal be taken from such first assessment and the same be reversed, the common council shall cause the proper warrant to be attached to the second assessment-roll, filed by such commissioners, and to be delivered to the city treasurer. Whenever the assessment-roll for any local improvement shall be left with the treasurer, he shall receive the taxes thereon for the first ten days without fees, for ten days thereafter at one per centum fee, for the next twenty days at three per centum and for the succeeding twenty days at five per centum fee. If any such taxes remain unpaid at the expiration of the sixty days herein mentioned, the said treasurer shall proceed to collect the same, with the fees thereon and interest thereon at the rate of twelve per centum per annum, in the same manner as directed in this act for the collection of county or city taxes by distress and sale

§ 77. Opening and altering streets.—Before any street, highway, alley, lane or public grounds shall be laid out, widened, altered or straightened by virtue of this act, the common council shall cause the same to be surveyed and monuments placed, showing the line thereof, and a map to be made of the same, which shall be filed in the city clerk's office, and a copy thereof be filed in the county clerk's office, and for that purpose the common council and those acting by its direction shall have power to enter upon any grounds in said city. The common council shall then declare by resolution its intention to take and appropriate the said property for the proposed improvement, and shall acquire the same by condemnation proceedings under the provisions of the condemnation law, chapter twenty-three of the code of civil procedure.

§ 78. Assessment of benefits.—After such damages shall have been ascertained and determined said council shall declare a district of assessment therefor and shall then direct the commissioners making the award to assess the amount awarded for damages with the commissioner's fees, specifying the aggregate amount of the same, upon the property within such district of assessment. The commissioners shall proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner as near as may be in proportion to the benefits received; such assessment shall be made in the same manner as other local assessments, except that such commissioners shall direct such part of said expenses to be assessed upon the city and such part locally as they shall deem just; the powers and duties of the commissioners shall be the same as those of assessors. When the assessment-roll shall be filed, the assessment may be appealed from in the same manner, and the common council shall possess the same powers in reference thereto and proceed in the same manner as on appeals from other local assessments. When there are infants or other incompetent persons, owners, whose property is affected by any such improvement, the county or supreme court or a judge or justice thereof may, on application, in behalf of such infant or incompetent persons, appoint guardians ad litem to protect their interests and prosecute appeals.

§ 79. Payment of compensation.—Immediately after the final determination of all proceedings in which any award shall have

been made, the common council shall cause to be paid or tendered to the respective owners the amount awarded to each respectively, less any sum which shall have been assessed against them for any benefits on account of such improvements. In case any such owner shall refuse the same, or be unknown or non-resident of the city, or for any reason be incapacitated from receiving the amount, or the right thereto be disputed or doubtful, the common council may make payment of the portion to the county treasurer of the county of Herkimer and file a statement of facts and circumstances in each case, and a transcript of the report of the commissioners relating to the ascertainment of the amount so paid in with the clerk of Herkimer county, and said clerk shall make a report to the supreme court at its first term held in the county of the amount thus deposited, accompanied with the statement and transcript aforesaid; and the supreme court shall have authority, and it shall be its duty at such term of court to order the investment of such money or the payment over, on the ascertainment of the person entitled thereto. Upon such payment or tender, or payment to the clerk being fully made, the fee of the land shall be vested in the city.

§ 80. Sale and purchase of real property by the city.— The common council may sell any real property owned by the city, except the public parks and cemeteries, and devote the proceeds thereof to the purchase of other real property. The common council may contract for the purchase, in the name of the city, of real property, which, in its judgment, shall be required for city purposes, if the purchase price thereof shall not exceed five thousand dollars, and may order the construction of a new building or buildings upon lands owned by the city if the expense thereof shall not exceed five thousand dollars. The common council may submit to the electors of the city, at an annual or special city election, the proposition to raise by tax, in addition to the amount otherwise allowed by law to be raised in each year, a sum specified, for the purchase by the city of real property, the construction by the city of a new building or buildings or for any other special purposes. Notice that such proposition will be submitted at such election shall be published in the official newspapers of the city at least once a week for three successive weeks prior to the holding of such election, which notice shall specify the form of bal-

lot for and against such proposition to be used at such election. If a majority of the electors voting on such proposition at such city election shall vote in favor of such proposition, the amount so voted may all be raised by tax in one year in addition to the amount otherwise authorized by law to be raised by tax in such year; or the said amount, or any part thereof, may be borrowed on the credit of the city in the discretion of the common council. If it is determined to borrow said sum, or any part thereof, the common council may authorize the mayor to execute a bond or bonds of the city in such amount or amounts, and payable at such time as said common council shall determine, and bearing interest at a rate not exceeding five per cent. per annum. Such bonds shall be disposed of at the best price that can reasonably be obtained, and at not less than their face or par value, and there shall be added to the amount of tax otherwise authorized to be raised in any year, the amount authorized to be raised to meet the principal and interest of any such bonds payable in any one year. The amount so raised by tax or sale of bonds shall be devoted to the purpose for which said tax was voted and to no other purpose.

ARTICLE V.

The Board of Public Works.

Section 90. Organization and procedure of the board of public works.

91. Rules and regulations of the board of public works.
92. Recommendations by board of public works to the common council.
93. Expenditures by board of public works without order of common council.
94. Expenditures by board of public works in pursuance of orders of common council.
95. Execution of public works and payment thereof.
96. Funds from which expenditures of board of public works are payable.
97. Cemeteries.
98. City water works.
99. Construction and repair of sidewalks, gutters and culverts.
100. Cleaning sidewalks and gutters of snow and ice.
101. Paving and macadamizing.

§ 90. Organization and procedure of the board of public works.—The mayor of the city shall be president of the board of public works, but shall have no vote as a member thereof. The board of public works shall elect one of its members vice-president, who shall be the presiding officer of the board in the absence of the mayor. Three members of the board shall constitute a quorum, but no action of the board shall be taken except by the concurring votes of at least three members of the board. The board shall cause to be kept by its clerk a journal of its proceedings, full and accurate accounts and records of all moneys appropriated or expended by it, of all officers appointed, suspended or removed by it, of all liabilities incurred, work performed, employes engaged and contracts executed by it in behalf of the city, and of all matters pertaining to the execution of the duties of the board.

§ 91. Rules and regulations of the board of public works.—The board of public works may make rules and regulations, not inconsistent with law, for the conduct of its business and of the business of the city engineer, for the employment, dismissal, discipline and government of the persons engaged by it as employes of the city, and for the performance of all work authorized to be undertaken by it.

§ 92. Recommendations by board of public works to the common council.—It shall be the duty of the board of public works from time to time to recommend to the common council such ordinances for the care, preservation and regulation of the streets, parks, public grounds, cemeteries, water works and sewers of the city as it shall deem best suited to the purpose; and such new public works, repairs and improvements as the board may deem necessary, with a detailed statement of the estimated cost of construction and maintaining such works or improvements, and if such recommendation be upon the subject of paving or macadamizing streets or constructing sewers the board shall also recommend the system, size and material thereof.

§ 93. Expenditures by board of public works without order of common council.—The board of public works of the city shall, either with or without order or direction of the common council, make all ordinary and necessary repairs to the streets, bridges, public grounds, parks, cemeteries, water works and sewers of the city, and to the channels of all creeks or streams

passing through the city, and construct, maintain and improve sidewalks, crosswalks, gutters and culverts, and it shall be the duty of the board to keep the same in good and proper repair. The board of public works shall not make any other expenditures, or contract any liability for any other purpose, except as authorized or ordered by the common council.

§ 94. **Expenditures by the board of public works in pursuance of orders of common council.**—The board of public works shall have control of the expenditures by the city, when ordered by the common council, of all moneys for the construction, maintenance, improvement, repair and cleaning of the streets, sidewalks, crosswalks, culverts, bridges, gutters, public grounds, parks, cemeteries, water works and sewers of the city, and for improving the channels of all creeks or streams passing through the city, for removing obstructions therefrom, and for covering the same by arches, and keeping them in repair; and for the paving, macadamizing and sprinkling of the streets. The board shall also have control of the expenditures, when ordered by the common council, of all funds, donations, incomes and receipts for or on account of any of such purposes.

§ 95. **Execution of public works and payment therefor.**—The board of public works shall select, designate and purchase such supplies and materials, employ such necessary superintendents, inspectors and employes, purchase such stationery, supplies, tools, implements and machinery, rent such grounds and premises, and furnish the same, as may be required for the proper carrying on of the business of the board and the prosecution of its work. The board shall have control of all parts of work or construction, contracted by it to be performed, until said work shall be completed and by it accepted. Every payment of expenditures contracted or authorized by said board shall be made by the city treasurer upon the warrant of the board, signed by its vice-president and clerk, and specifying the fund upon which it is drawn, which shall be the fund to which it is properly chargeable.

§ 96. **Funds from which expenditures of board of public works are payable.**—All expenditures made by the board of public works for the care, improvement, repair and maintenance of the public parks and cemeteries of the city shall be payable from the park and cemetery fund. All expenditures

for rentals of fire hydrants shall be payable from the fire hydrant fund. All expenditures for the construction, maintenance, improvement, repair and cleaning of streets, bridges, and for improving the channels of all creeks or streams passing through the city, for removing obstructions therefrom and for covering the same by arches and keeping them in repair, shall be payable from the street fund. All expenditures for sewers shall be payable from the contingent fund. All expenditures in payment of the city's shares of the expense of paving and macadamizing shall be payable from the paving fund. All expenses incurred by the board of public works for each local improvement, which are chargeable to neighboring property owners and collectible by local assessment, if advanced by the city in anticipation of the collection of a local assessment, shall be payable from the contingent fund.

§ 97. Cemeteries.—No cemetery or burial ground shall be established within the limits of said city, and no cemetery or burial ground now within shall be in any manner added to, enlarged or extended, except that the cemeteries known as Saint Mary's and Rural Grove cemetery may enlarge their present area by the acquisition of adjoining lands, provided, however, that such extension shall not be in the direction of the inhabited portion of the city. The board of public works shall have general charge, custody and control of the public cemeteries of the city. The board may grant the right of interment in such cemeteries and fix the fees and charges therefor, which shall be paid to the city treasurer. The board may require the owners of all lots in such cemeteries to keep them in neat and proper order and repair and shall make such assessments on said lots as they may deem necessary to maintain them, to be determined by the board, not exceeding three dollars on any one lot in any year, which shall be a lien upon the lot against which the same is assessed. The board may collect the assessment on any lot, if necessary, by a sale of such lot, but they shall not remove or disturb or authorize the removal or disturbance of any grave. Each person owning or claiming to own or have control or the right of burial in any cemetery lot, or whose ancestor, husband, wife or child shall be buried therein, or who has or shall have a monument erected thereon, shall be personally liable to pay all assessments against the same; and any person so liable who

shall refuse to pay any assessment or any arrears of assessments on demand of the board or of the city treasurer to the city, treasurer shall forfeit the sum of twenty-five dollars as a penalty, to be collected in a civil action in the name of the city. The board shall annually, at such time as it may determine, make out an assessment roll for such cemetery taxes, setting the amount of the tax assessed in the last column of the roll opposite the name of the person or persons or property assessed, and shall then leave the same with the city clerk and thereupon give public notice in the official newspapers of the city, for one week, that such assessment-roll has been prepared and that it will remain in the office of the city clerk for ten days from the date to be specified in such notice, which shall be after the completion of such publication, during which ten days any person interested may examine said roll, and at the expiration of said ten days at a day, hour and place specified in the notice, the board shall meet and hear any objections to said assessment-roll and shall decide upon the same, and shall, if need be, alter and correct said assessment-roll, and when completed, sign the same and cause the proper warrant to be attached and deliver the same to the treasurer, who shall collect the same in the same manner as assessments for local improvements within the city. The board shall be deemed the successor of the board of superintendents of public grounds of the village of Little Falls.

§ 98. *City water-works*.—All the duties and powers conferred by law upon water commissioners in villages, as provided by chapter one hundred and eighty-one of the laws of eighteen hundred and seventy-five, entitled "An act to authorize villages of the state of New York to furnish pure and wholesome water to the inhabitants thereof," and all acts amendatory thereof and supplemental thereto, are conferred upon said board of public works created by this act, and said board shall possess all the powers and privileges and be subject to all the regulations and restrictions therein provided for water commissioners of villages, except that their report shall be made to the common council, and also, except as otherwise provided in this act. Said board shall be deemed to be the successor of the board of water commissioners of the village of Little Falls. Said board of public works may annually, and on or before the fifteenth day of March in each year, establish a scale of water rates for the

use of water; also rates to be assessed upon all real property abutting on streets where the water pipes are laid, for the year from the first of May next succeeding, and make a complete list thereof. They shall immediately give notice for two weeks in the official papers that such list has been completed and that they will meet at their office at a time therein specified to hear objections thereto, and the same shall be subject to review as other assessments. Said water rates and assessments must be finally completed by said board, certified by the commissioners, or a majority of them, to the common council, and delivered to the city clerk on or before the fifteenth day of April in each year, and the common council shall cause the amount of such tax to be entered in the annual assessment-roll and collected with the city taxes as in this act provided.

§ 99. Construction and repair of sidewalks, gutters and culverts.—Whenever the common council shall order or the board of public works shall deem it necessary that any sidewalk, gutter or culvert be made, constructed, graded, regraded, relaid or repaired, the board shall prescribe the width and length of the sidewalk, the materials of which it is to be constructed, the form and manner of the construction of the gutter or culvert, and shall do said work. The city engineer shall immediately give notice of the expense of such work to the owner, requiring the payment thereof to the city treasurer within ten days after the service of such statement. Such notice shall be given in the same manner as the notice to clean gutters and sidewalks, as provided by the next section. If such expense be not paid to the city treasurer within the time prescribed therefor, the city engineer shall file his affidavit of the actual expense thereof with the clerk of the city, and the same shall thereupon be assessed by the assessors, or city engineer, as the case requires, and collected the same as other local assessments, with interest thereon at the rate of twelve per centum per annum, from the time such affidavit was filed. Whenever any sidewalk, gutter or culvert shall be relaid or constructed, it shall be relaid or constructed upon the grade fixed by the city engineer. The gutters in streets paved and macadamized in whole or in part by local assessment, shall be kept in repair at the expense of the city.

§ 100. Cleaning sidewalks and gutters of snow and ice.—It shall be the duty of the owner of every lot or piece of land to

keep the gutters, including the culverts, and the sidewalks adjoining his lot or piece of land at all times clean and free from snow, ice or other obstructions. It shall be the duty of such owner to remove new ice and freshly-fallen snow from such sidewalks before nine o'clock of each day and to keep the same so cleaned and removed at all times. In case such owner or occupant shall neglect or refuse to so clean said sidewalk within such time, he shall be subject to such fine or penalty therefor as shall be prescribed by the common council, and in addition thereto the city engineer shall, in such case, proceed to clean the same without notice to such owner or occupant. In case any sidewalk or any such other gutter or culvert in said city shall, at any time, in the judgment of the city engineer, otherwise require cleaning, the city engineer shall serve a notice upon the owner of the adjoining lot requiring him to clean the same within twenty-four hours after the service of such notice. Such notice shall be served upon each owner personally, or by leaving the same at his residence with some person of suitable age and discretion, if he be a resident of the city, or otherwise on his agent or other person having the property in charge, or by depositing the same in the post-office, properly inclosed and the postage prepaid thereon and directed to such owner at his last known place of residence. If there be two or more owners of any one piece of property, service upon one of them shall be sufficient. If such notice be served by mail the owner shall have three days after service thereof within which to comply with such requirements. If any person so required to do any such cleaning, shall neglect or refuse to do the same, within the time prescribed therefor, the city engineer shall clean the same in such manner as he shall deem proper and suitable, in which case he shall give notice of the expense thereof to the owner in the same manner as notice to do the cleaning, requiring the payment of such expense to the city treasurer within ten days after the delivery or mailing of such statement. If such expense be not paid to the city treasurer within the time prescribed therefor, the city engineer shall file his affidavit of the actual expense thereof with the clerk of the city, and the same shall thereupon be assessed by the assessors or city engineer as the case requires, and collected the same as other local assessments, with interest thereon at the rate of twelve per centum per annum from the time such affidavit was filed.

§ 101. **Paving and macadamizing.**— All paving, repairing or macadamizing in any street of the city, which shall be directed by the common council, shall be performed by the board of public works. No paving, repaving or macadamizing shall be done in any street until the gas and water mains and sewers have been laid therein and service and house connection pipes to the same laid in front of each separate piece of property, at least to a point within the street line, in such manner as the board of public works shall prescribe. In case of neglect or refusal the board is authorized to do such work and the actual expense thereof shall be assessed on the property benefited thereby, the same as other local assessments.

ARTICLE VI.

The Board of Fire and Police.

Section 110. Organization and procedure of the board of fire and police.

111. Rules and regulations of the board of fire and police.

112. General powers and duties of the board of fire and police.

113. Audit and payment of the expenditures of the board; fund from which payable.

114. Fire department.

115. Chief engineer and assistant engineers of the fire department.

116. Obstructing firemen; competitive trials.

117. Duties of fire police.

118. Fire limits.

119. Powers and duties of policemen.

120. Chief of police and assistant chief.

121. Fees for policemen's services chargeable to the county of Herkimer.

§ 110. **Organization and procedure of the board of fire and police.**— The mayor of the city shall be president of the board of fire and police, but shall have no vote as a member thereof. The board of fire and police shall elect one of its members to be its vice-president, who shall be the presiding officer of the board in the absence of the mayor. Three members of the board shall constitute a quorum, but no action

of the board shall be taken except by the concurring vote of three members thereof. The board shall cause to be kept, by its clerk, a journal of its proceedings, full and accurate accounts and records of all moneys appropriated or expended by it, of all officers appointed, suspended or removed by it, of all liabilities incurred, work performed, employes engaged and contracts executed by it in the name or behalf of the city, and of all matters pertaining to the execution of the duties of the board.

§ 111. Rules and regulations of the board of fire and police.—The board of fire and police shall make such rules and regulations, not inconsistent with law, as may be necessary for the government and discipline of the firemen and policemen of said city, and the management of the fire and police departments, and the officers thereof.

§ 112. General powers and duties of the board of fire and police.—The board of fire and police shall exercise the powers and perform the duties connected with and incident to the fire department and police department of said city. The board shall have full power, jurisdiction and control of all personal property belonging or pertaining to the fire and police departments of the city, including the fire alarm telegraph; to buy, sell, bargain, exchange or transfer the same or any part thereof, and to purchase all the necessary wagons, trucks, harnesses, horses, carts, hooks and ladders, hose, hose carriages, fire alarm telegraph and other apparatus used for the discovery or extinguishment of fires, and to improve the same by such implements, equipments and supplies as are required for use by said departments, or either of them; to locate engine houses, hose carts, hook and ladder carriages, engines and other apparatus belonging to or used in the fire department; to locate station houses, lockups, police headquarters and other necessary rooms or buildings for the police department, to change such location whenever, in their judgment, public necessity requires; to lease the necessary buildings and rooms required for said departments, and to refit the same, and to do all things necessary to properly equip, manage, control and make efficient said fire and police departments; to arrange, rearrange, occupy and control the real estate of said city used for fire and police purposes, and, with the consent of the common council, to repair, arrange, refit and improve the same for the use of said depart-

ments, or either of them, but nothing herein contained shall limit or abridge the power of the common council to sell, lease or convey said real property or any portion thereof. The board shall have power to fix the compensation of all employes of the board, other than officers of the fire and police department, in this act enumerated.

§ 113. Audit and payment of the expenditures of the board fund from which payable.—All expenditures made by said board shall be audited by the board and paid by the treasurer of the city upon the warrant of the vice-president of the board, countersigned by the clerk thereof, specifying the fund from which it is payable, which shall be the fund to which it is properly chargeable. All such expenditures for the fire department shall be payable from the fire fund, and all expenditures for the police department shall be payable from the police fund.

§ 114. Fire department.—The fire department shall continue to be a volunteer department, but the board, in its discretion, subject to the approval of the common council, may at any time change to a paid department, in whole or in part. While said department shall remain a volunteer department said board shall have power and authority to appoint not to exceed two hundred and fifty firemen in and for said city, and to divide them into as many organizations as they deem best, and fix the number and duties of each. When the department is so changed from volunteer to paid, in whole or in part, the board shall have power to employ and pay such officers, foremen, drivers, hose men, pipemen and helpers, and to make and incur such other and further expense as it may deem necessary for the proper and efficient management of the apparatus of that portion of the department which they shall declare to be paid.

§ 115. Chief engineer and assistant engineers of the fire department.—The chief engineer of the fire department may, orally or in writing, suspend from duty any member of the fire department for neglect of duty or violation of the rules and regulations of the board of fire and police, until the same can be reported to the board with the cause and facts upon which the suspension is ordered. He shall, subject to the powers of the mayor and the board of fire and police, take and have the control and management of all officers, men, property, measures and actions for the prevention or extinguishment of fires within

the limits of said city, and may call upon the chief of police, or any member of the police force or fire police, to assist in the protection of property, the preservation of order and in the enforcement of all rules for the government of the department. The chief engineer shall make a yearly report in writing to said board, and oftener when required by them, showing the actual condition of the property under his charge, a list of fires, alarms, losses and insurance on all property destroyed since the last report, particular statements of the cause of such fires so far as known, and such other information as he may deem important to the public interest. He shall make and keep an accurate inventory of all the property of the department, and see that the same is not lost, wasted or destroyed. He shall perform such other duties as shall be given him in charge from time to time by the board. The first assistant engineer of the fire department shall have all the power and authority of the chief engineer in case of his absence or inability to act, and the second assistant engineer shall have all the powers of the chief engineer in case of the absence or inability to act of the chief engineer and the first assistant.

§ 116. Obstructing firemen ; competitive trials.—The engines, hose carriages, officers, men and apparatus of the fire department shall have the right of way going to and from fires, and any person wilfully obstructing the firemen in the performance of their duty shall be guilty of a misdemeanor. The engines and apparatus of the department shall not be used for competitive trials, nor shall the same be taken from the boundaries of said city without the permission of the chief engineer.

§ 117. Duties of fire police.—It shall be the duty of the fire police to assist, under the direction of the chief of police, in preserving order at fires.

§ 118. Fire limits.—Hereafter all applications for permission to erect wooden buildings within the fire limits of the city of Little Falls shall be presented to and passed upon by the board of fire and police-commissioners exclusively. They shall have no power, however, to permit, and no wooden buildings of any description shall be enlarged or constructed within the following described boundaries, namely: Beginning at the exterior line of the towing-path of the Erie canal, in the city of Little Falls, at the point of intersection thereof with the center line of Mary street,

extended to the Erie canal, and running thence northerly along a line formed by said center line of said street extended as aforesaid, and along the center line of said Mary street to the center line of John street; thence along the center line of John street to the center line of William street; thence along the center line of William street to the center line of Garden street; thence westerly along the center line of Garden street to the point of intersection thereof with the center line of Ann street; thence in a straight line to the intersection of the center lines of Church and School streets; thence southerly along the center line of School street to a point one hundred and twenty feet north of intersection thereof with the north line of Main street; thence westerly one hundred and twenty feet north of the north line of Main street and parallel therewith, to the center line of Furnace street and Sixth street, and along such line extended to the point of intersection thereof with the exterior line of the towing-path of the Erie canal; thence easterly along said exterior line of said towing-path to the place of beginning. The common council may, from time to time, enlarge the territory to be included within the fire limits.

§ 119. Powers and duties of policemen.—The chief of police, the assistant chief, the patrolmen and the additional patrolmen, if any, shall be uniformed police. All others shall wear uniforms or conspicuous badges, as the board may direct. The policemen of said city shall have the same power and authority and be subject to the same liabilities in all criminal actions and special proceedings of a criminal nature for or on account of offences committed or charged to have been committed within said city which constables of a town have or are subject to with relation to offences committed or charged to have been committed within their town. They must execute the orders and commitments of the recorder of said city and of all the courts of special sessions held in said city, and shall convey all persons sentenced by such recorder or courts to the jail, penitentiary, house of refuge or other institution to which they are sentenced. Any criminal warrant issued by any magistrate in any such action or special proceeding may be executed in any part of the state by any policeman of said city according to the terms thereof and without indorsement. A policeman shall not be a representative to or a member of or take part in any political or partisan caucus

or convention, the object of which is the nomination or the election of any candidate or candidates to any public office, or of any delegates to any political caucus or convention. Each policeman of the city shall have the same power and authority for the collection of taxes within the city as a constable of a town has for the collection of taxes in a town, as well as that conferred by this act, and shall be subject to the same liabilities with reference thereto. No fee or compensation other than is in this act provided shall be charged or received by any policeman, save such rewards as a policeman may be permitted to receive by resolution of the board of fire and police. But the reasonable or necessary expense incurred by any policeman in traveling or otherwise in the discharge of his duties shall be repaid to him by said board.

§ 120. Chief of police and assistant chief.—The chief of police of said city shall, subject to the authority of the mayor and board of fire and police, be the chief executive officer of the police department and superintend the same; he shall keep a record in a book of all cases and legal proceedings in his department and all services performed by him and by the several policemen of the city and of all such fees as are chargeable by law to the county of Herkimer or to any town of said county; he shall also keep a book, known as the property book, in which he shall enter all articles taken from persons arrested or seized on a warrant or otherwise, together with the disposal made thereof. He shall, at least once in each month, and oftener if required, report to the board the state of the department and particularly all such fees and whether any members of his force are delinquent in their duties. The assistant chief of police, in case of the absence or inability of the chief to act, shall possess the power and discharge the duties of the chief of police, together with such other duties incident to his office as may be imposed upon him by said board or by said chief.

§ 121. Fees for policemen's services chargeable to the county of Herkimer.—The board is hereby authorized to charge to the county of Herkimer, or to any town therein, for services performed by any policeman in criminal proceedings, such fees as are allowed to constables in towns for like services and chargeable to said county or towns, and the same shall be audited and

allowed by the board of supervisors of said county or by the board of town auditors of such towns, to and for the benefit of the city of Little Falls, and shall be paid to the treasurer of said city to the credit of the contingent fund. In cases arising under the ordinances of police laws or regulations of said city, where judgment shall be rendered in favor of said city, or where said city shall be entitled to judgment, the same fees for services of said policemen as constables would be entitled to for like services shall be included in such judgment or claim and charged for the benefit of said city; and when paid or collected shall be paid to the treasurer thereof to the credit of the contingent fund within five days after their receipt.

ARTICLE VII.

The City Board of Charities.

Section 130. Organization and procedure of the city board of charities.

131. Rules and regulations of the city board of charities.

132. General powers and duties of the city board of charities; overseer of the poor.

133. Audit and expenditures by city board of charities; payments from poor fund.

§ 130. Organization and procedure of the city board of charities.—The mayor of the city shall be president of the city board of charities, but shall have no vote as a member thereof. Said board of charities shall elect one of its members to be its vice-president, who shall be the presiding officer of the board in the absence of the mayor. Three members of the board shall constitute a quorum, but no action of the board shall be taken except by the concurring votes of at least three members of the board. The board shall cause to be kept by its clerk a journal of the proceedings, full and accurate accounts and records of all moneys appropriated, expended or audited by it, all officers appointed, suspended or removed by it, of all liabilities incurred by it in behalf of the city and of all matters pertaining to the execution of the duties of the board.

§ 131. Rules and regulations of the city board of charities.—The city board of charities may make rules and regulations, not

inconsistent with law, for the conduct of its business and of the business of the overseer of poor, and for the performance of all work authorized to be undertaken by it.

§ 132. General powers and duties of the city board of charities; overseer of the poor.—The city board of charities shall have the general management and control of the poor department of the city. The board may secure, by renting, suitable grounds and buildings for the use of the poor department for a term not exceeding three years, and may purchase supplies for the relief of the poor for a term not exceeding one year. Said board shall also appoint at an annual salary to be fixed by it, not exceeding five hundred dollars a year, a competent practicing physician for each fiscal year, whose duty it shall be to render medical and surgical services and attendance to the city poor and perform such other services as said board shall direct. Said board may authorize the temporary care, maintenance and treatment of any sick or injured person at any hospital within the city and audit and allow the expense thereof; and if the maintenance of such sick or injured person, would as a poor person be chargeable to any other city, town or county or to the state, under general laws, the expense of such temporary care, maintenance and treatment shall be repaid to the city by such other city, town or county or by the state, as the case may be, in the manner provided by general laws. Otherwise than is in this act provided said city shall be deemed to be a town within all the provisions of general laws relating to the poor; and the overseer of the poor of the city shall have the same power and authority, and be subject to the same duties and liabilities as if said city were a town, and he were the overseer of the poor thereof. The overseer of the poor shall have power to administer oaths and take affidavits in all matters pertaining to the duties of his office, and to elicit statements of facts from applicants for relief.

§ 133. Audit of expenditures by city board of charities; payments from poor fund.—Payments of money by the overseer of the poor, to or for the support of the poor people, shall be made by warrant on the treasurer signed by the overseer of the poor specifying that it is payable from the poor fund. Orders for supplies issued by the overseer of the poor, and expenditures for supplies made or incurred by the city board of charities shall

be audited by the board, and shall be paid by the treasurer upon a warrant signed by the vice-president of the board and countersigned by the clerk thereof, specifying that it is payable from the poor fund

ARTICLE VIII.

The Recorder; Crimes and Disorderly Conduct Within the City and the Punishment Thereof

Section 140. Jurisdiction of recorder.

141. Salary and fees.

142. Justice of the peace acting as recorder.

143. Business chargeable to towns or county.

144. Accounts and records of recorder. Payment of fines and penalties.

145. Disorderly persons.

146. Arrest without warrant.

§ 140. Jurisdiction of recorder.—He shall possess all the jurisdiction, power and authority, and be subject to the same requirements and duties in all respects, in both civil and criminal proceedings, as are or may be by law vested in justices of the peace of towns, together with such other powers and duties as are conferred upon him by this act; and shall be entitled to the same fees in civil proceedings as such justices of the peace. He is hereby empowered to hold courts of special sessions for trial of all offences triable in a court of special sessions, and shall have the powers and jurisdiction conferred upon courts of special sessions by section fifty-six of the code of criminal procedure. He shall also have full power to hear, try and determine all cases arising under the charter, by-laws or ordinances of said city, summarily and without the intervention of a jury; and all judgments of conviction rendered by him shall be enforced in the same manner as of courts of special sessions in criminal cases. He shall not be entitled to receive or collect any compensation of said city beyond his salary.

§ 141. Salary and fees.—In lieu of fees in criminal cases and proceedings he shall receive a salary of nine hundred dollars per year, which salary, after deducting therefrom the amount audited in favor of other justices, as provided by section one hundred and forty-two of this act, shall be allowed and paid by the common council out of the contingent fund; but said council may withhold any payment until they shall be satisfied by

affidavit or otherwise that the account and report provided for by sections one hundred and forty-three and one hundred and forty-four of this act have been filed. The common council shall provide and designate an office for the recorder.

§ 142. Justice of the peace acting as recorder.—No justice of the peace residing and keeping an office in said city shall be entitled to receive any fee for any services in criminal cases or proceedings arising within said city or be bound to render any such services, except in bastardy proceedings, except during the sickness, absence or inability of said recorder to act, or during a vacancy in his office, in which case it shall be the duty of any justice of the peace of said city, designated by the recorder or mayor, by a written instrument filed with the city clerk, to render the same services. The justice so designated shall receive the same fees therefor as if this act had not been passed. The common council shall deduct from the amount of the salary of the recorder, the fees to which said justice of the peace shall be entitled as aforesaid.

§ 143. Business chargeable to towns or county.—He shall keep an account of the business done by him as such recorder which is a proper legal charge against the county of Herkimer, or any town therein, and make out a bill for the same in favor of said city, which he shall verify in the same way and manner as other bills and accounts against the said county are verified, which he shall deliver to the board of supervisors of the county of Herkimer at the annual session thereof. The said board of supervisors shall proceed to audit such account in the same way that other county accounts are audited, and make the amount audited payable to the treasurer of said city, who shall place the same to the credit of the contingent fund.

§ 144. Accounts and records of recorder. Payment of fines and penalties.—He is authorized to receive all fines and penalties legally imposed by him, and shall on or before the first day of each month pay the same to the treasurer of said city, who shall place the same to the credit of the contingent fund. He shall keep an accurate account of said fines and penalties and make a report thereof to the common council, and file the same with the city clerk, under oath, to the effect that said report is just and true, and that it contains a full and true statement of all fines and penalties received by him and not previously reported.

He shall keep a faithful record of the proceedings had before him pertaining to the office of recorder, which record shall always be open to public inspection, and shall properly file and keep all bonds, papers and documents pertaining to said office.

§ 145. Disorderly persons.—In addition to the persons described in section eight hundred and ninety-nine of the code of criminal procedure, the following persons within the city of Little Falls shall be deemed disorderly persons, and may be proceeded against as such under the provisions of the code of criminal procedure, and punished according to the provisions of this act: All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering about and begging, or who go about from door to door, or place themselves in the streets, highways, passages or public places, without the written permission of the mayor of the city, to beg and receive alms; all persons who have no visible occupation, profession or business to maintain themselves by, but who do for the most part support themselves by gaming or crime, or by the avails of prostitution; all common prostitutes; all persons found quarreling within said city in any public park, street, lane or alley, or in any public place; any person who shall within said city make indecent gestures or exhibitions of himself or herself in public view, or shall in any public place aforesaid publicly use indecent, foul or profane words, or opprobrious, insulting or provoking language or outcries, tending to breaches of the peace, or utter threats of unlawful violence, or shall make an unusual noise or disturbance of the public peace and quiet, or shall recklessly and without necessity discharge and fire off fire arms in the day or night time, or knowingly give a false alarm of fire; or shall alone, or with others, not using the public ways of said city to pass and repass, lounge and loiter about, standing on or occupying the sidewalks or any public place in front of or along any premises or buildings, public or private, not owned or occupied by such person, or shall be, without any right, in or about the approaches, passages, entrance, hall or stairway of any building used for public assemblages or public resort, to the annoyance or impediment of persons lawfully passing and repassing, or of property owners, and shall refuse, after direction of any officer or citizen, to pass along or disperse from said place or places; or shall disturb or interrupt any public

meeting, school, concert, theatre, or exhibition, or any assemblage, without lawful authority; or shall be found in the night time lurking suspiciously around any place in said city, and shall refuse, on demand of any policeman or watchman, to give an account of himself or herself; or shall, being a minor under the age of twenty-one years, be found carrying in any public place any loaded pistol, revolver or other firearm, concealed; or shall, being a truant child under the age of fourteen years, be found wandering about late at night, alone or in company with like persons; or shall maliciously and unlawfully open or enter any barn, stable or enclosure and take away therefrom, or shall take away from any other place in said city, any horse, team, harness, carriage or other vehicle of another, under circumstances not making said offence larceny or a felony; or shall, being a licensed hackman, cartman, owner or driver of any omnibus, or porter within said city, knowingly violate any lawful regulation of the common council relating to such persons or vehicles; or shall be found engaged in any public place aforesaid, throwing stones or other missiles and endangering persons or property; or shall wantonly and maliciously injure any street or public gas or electric lamp, lamp-post, post, wire, gas-pipe or main, or any city water-pipe, main, hydrant, hose or other works or apparatus for the extinguishment of fires, including the electric fire-alarm apparatus, boxes, wires, posts and all appurtenances thereto, or any steam main or other steam works or apparatus in any street or other public place in said city, for the transmission of heat and power, or any street corner signs put up by the authority of the common council; or shall be found naked or with person improperly exposed, bathing in any of the canals, basins, streams, races, ponds or waters in said city, in any public place or within sight of any public place, between the hours of four in the morning and nine o'clock in the evening. Every person found guilty of being a disorderly person as aforesaid, and every person guilty of any act or acts making such person a disorderly person as herein declared, on conviction thereof, shall be punished as for misdemeanor.

§ 146. Arrest without warrant.—It shall be lawful for any city officer or other person, and it shall be the duty of the chief of police and every policeman and every police officer of the city, without process to arrest, detain and take before the recorder

of said city every person committing a violation of any ordinance of the common council of said city when the offence is committed in his presence

ARTICLE IX.

Assessment and Taxation.

Section 150. General provisions relating to assessments for state, county and city taxes.

151. Assessment for state and county tax.

152. Warrant for the collection of county and state tax.

153. Bond of treasurer for collection of state and county tax.

154. Fees and proceedings of treasurer in collecting state and county taxes before the fifteenth day of February.

155. Proceedings of treasurer in collecting state and county taxes between the first and fifteenth days of February.

156. Fees and proceedings of treasurer in collecting state and county tax after the fifteenth day of February.

157. Assessment for city taxes.

158. Levying of city taxes and the warrant for the collection thereof.

159. Fees and proceedings of treasurer in collecting city taxes.

160. When treasurer's warrants for collecting city taxes are returnable and proceedings thereon.

161. Completion of revised assessment-roll by assessors.

162. Proceedings by treasurer in the collection of unpaid taxes.

163. Title of purchaser at sale.

164. Redemption from tax sale.

165. Certificate and deed to purchaser.

166. Reimbursement to purchaser on failure of title.

167. Actions for collection of unpaid taxes.

168. Application of this article to local assessments.

169. Correction of manifest errors.

170. Reassessment.

171. Limitation of liens.

172. Surplus on sales.

§ 150. General provisions relating to assessments for state, county and city taxes.—In the assessment of any lands in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and number of any building thereon; but if the land be vacant, the buildings thereon not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land the owner may be designated as unknown. No error in the name of the owner or occupant shall invalidate the assessment. During the time the assessors review any tax or assessment they shall have power to add or insert in such assessment-roll any property liable to assessment and the valuation thereof which may have been omitted from such rolls upon giving personal notice to the owner of such property or to his agent at least two days prior to adding the same.

§ 151. Assessment for state and county tax.—The assessors of said city shall, for the purpose of and in relation to the assessment for the levy and collection of state and county taxes within each ward of said city, possess all the powers and authority which assessors of a town have in relation to the assessment for the levy and collection of state and county taxes within a town, and for such purposes and in relation to such matter, each ward of the city shall be deemed to be a town, and the assessors of the city to be the assessors thereof, except as in this act otherwise provided. They shall make a separate roll for each ward and complete the same on or before the first day of August in each year, and thereupon, instead of proceeding in pursuance of the general laws, they shall proceed as follows: They shall forthwith, upon the completion of such assessment rolls, give notice that they have completed such assessment rolls, and that such rolls have been left at the office of the city clerk, where they may be seen and examined by any person interested until the third Tuesday in August, and on that date, and for four consecutive days thereafter, that the assessors will meet at the office of the city clerk from nine to twelve in the forenoon, and from two to four and seven to nine o'clock in the afternoon, to review the assessments. Such notice shall be posted in at least three conspicuous places in each ward, and shall also be published at least once in each

of the official newspapers of the city at least ten days before such third Tuesday of August. The assessors shall meet at the place, and during the time specified in such notice, and review said assessment in the same manner as assessors of towns, and during such time the said clerk's office must be kept open, and it shall be the duty of the city clerk to personally attend thereat. Such assessors shall, at the expiration of four days after the third Tuesday in August, cease to correct and review said roll, and on or before the first day of September thereafter they shall deliver the same, completed and subscribed, to the city clerk, who shall make a certified copy of the roll of each ward, which shall be delivered by him on or before the first day of October thereafter to the supervisor for such ward respectively, and shall be by such supervisor delivered to the board of supervisors of the county of Herkimer.

§ 152. Warrant for the collection of county and state tax.—The board of supervisors of the county of Herkimer shall cause the corrected assessment-rolls of each ward of the city of Little Falls to be delivered to the treasurer of said city on or before the fifteenth day of December in each year, to which a warrant, under the hands and seals of said supervisors, or a majority of them, shall be annexed, commanding said treasurer to collect from the several persons named in the assessment-rolls the several sums mentioned in the last column opposite their respective names, and pay over the same in the manner directed in the warrant.

§ 153. Bond of treasurer for collection of state and county tax.—Before any warrant for the collection of taxes, issued by the board of supervisors of the county of Herkimer, shall be delivered to the said treasurer, and within eight days after he receives notice of the amount of such tax to be collected by him, he shall execute an undertaking, with two or more sureties, to be approved by the supervisors of said city, or a majority of them, to the effect that he will well and faithfully execute his duties as collector of such taxes, pay over all moneys received by him, and account, in the manner and within the time provided by law, for all taxes upon said assessment-roll, and shall deliver such undertaking to one of the supervisors of said city. Such supervisor shall, within six days thereafter, file the undertaking, with the approval thereof

endorsed thereon, in the office of the Herkimer county clerk, who shall make an entry thereof in a book to be provided for the purpose, in the same manner as judgments are entered of record, and thereafter such undertaking shall be a lien on all the real estate held jointly or severally by said treasurer, or his sureties, within the county at the time of filing thereof, and shall continue to be such lien until its conditions, together with all costs and charges which may accrue by the prosecution thereof, shall be satisfied, and until the same is discharged as provided by law.

§ 154. Fees and proceedings of treasurer in collecting state and county taxes before the first day of February.— Upon receiving the said assessment rolls he shall give notice, in the official papers of the city, of the receipt by him of such assessment rolls and warrants, and that all persons named therein are required to pay their taxes at his office on or before the first day of February next ensuing. For three weeks following the date of such notice any person or corporation may pay his, her or their taxes therein assessed to him without any fee in addition thereto; after the expiration of three weeks, and up to the first day of February next ensuing, two per centum fees shall be added to the tax and collected by him during that time; and after said first day of February four per centum fees shall be added to the tax and collected by him.

§ 155. Proceedings of treasurer in collecting state and county taxes between the first and fifteenth day of February.— If any such tax shall remain unpaid on the first day of February, after the delivery of the assessment rolls and warrants, he shall thereupon cause a written or printed notice to be given to every person residing in the city from whom such tax may be due, specifying the amount of the tax and the percentage thereon, and requiring the same to be paid on or before the fifteenth day of February of the same year at his office. Such notice shall be served on the persons assessed by depositing the same in the Little Falls post-office, inclosed in envelopes and directed to the persons assessed, respectively, at Little Falls, and paying the postage thereon. If any of the persons assessed shall be known by the treasurer to reside in any other place, then notice shall be directed to such other place. It shall not be necessary to make any other demand of payment of said tax.

§ 156. Fees and proceedings of treasurer in collecting state and county tax after the fifteenth day of February.—From the fifteenth day of February the fees shall be one per centum per month in addition to the four per centum aforesaid, and it then shall be the duty of the treasurer to proceed, without delay, to issue his warrant, under his hand and the seal of the city, to any constable or policeman of the city, or to as many of them as he may deem necessary, who may be approved by the council, commanding such officer or officers to levy the tax and fees by distress and sale of the goods and chattels of the person or corporation upon whose real or personal property the tax was apportioned, according to the said assessment and tax-rolls, or of any goods or chattels in his, her or their possession, wheresoever the same may be found in the city of Little Falls, or county of Herkimer, and to pay the same to the said treasurer, and return such warrant on or before the first day of May in the same year: and no claim of property made to such goods and chattels shall be available to prevent the sale thereof, except in such cases as are provided for by the general statutes of this state.

§ 157. Assessment for city taxes.—Immediately after the annual charter election, the city assessors shall proceed to make up the annual assessment rolls in the several wards for city taxes, which they shall complete and file with the city clerk on or before the fifteenth day of April following. They shall proceed in the same manner in so doing as provided for the assessment rolls for the state and county taxes, as near as may be, except that they shall hear objections to said rolls beginning on the first Tuesday of April in each year, and continue to hear the same for four days thereafter, and that they shall give notice of the hearing of such objections for two weeks preceding said first Tuesday of April in the same way and manner as provided for said assessment rolls for said state and county taxes.

§ 158. Levying of city taxes and the warrant for the collection thereof.—Immediately after the filing of said corrected assessment-rolls with the city clerk, as in the last section provided, the common council shall cause the amount authorized to be raised for all city purposes, except for the care and maintenance of the streets and highways, as finally determined, to be rated and assessed upon the property of each person, company, corpo-

ration or association appearing on said assessment-rolls, except farms and parts of farms actually occupied as such and not laid out in city lots, to be set opposite the name of such person, company, corporation or association respectively, in the last column of said tax-rolls, to be headed "city taxes," in proportion to the valuation therein stated. It shall also cause the amount authorized to be raised for the care and maintenance of the streets and highways in said city as finally determined, to be rated and assessed upon the property of each person, company, corporation or association appearing on said assessment-rolls, and the same to be set down therein in a separate column headed "highway taxes," opposite the name of such person, company, corporation or association respectively. It shall also cause to be set down in a separate column headed "water tax," opposite the name of each person, company, corporation or association, the amount certified to said common council by the board of public works as the gross amount due by such person, company, corporation or association for water rates and charges for the year beginning on the first day of May following. After said assessment-rolls have been so completed and the taxes thereon extended, the same shall be adopted by a resolution of the common council and filed with the city clerk. The city clerk shall thereupon, and on or before the first day of May following, make copies thereof and deliver the same to the treasurer with a warrant thereto annexed, under the corporate seal of the city, and signed by the mayor and clerk thereof, commanding him to receive and collect from the several persons, companies, corporations and associations named in such tax-rolls the several sums mentioned in the last column of such rolls, and also the several sums set down therein for highway tax and water rates and charges opposite to their respective names in the manner in this act provided.

§ 159. Fees and proceedings of treasurer in collecting city taxes.—Upon receiving said rolls the treasurer shall give notice, in the official papers of the city, of the receipt by him of such assessment rolls and warrants, and that all persons named therein are required to pay their taxes at his office on or before the first day of June next ensuing; for one month after said May first every person, company, corporation or association may pay his, her or their taxes to said treasurer without any addi-

tional charge; for one month next succeeding, two per centum fees will be collected; for one month next succeeding, four per centum will be collected; for the succeeding one month, six per centum fees will be collected. If any tax shall remain uncollected on the first day of September, the treasurer shall give notice to the person or persons against whom such tax stands charged. The notices shall bear even date as of the first day of September and shall require said person or persons or corporations to pay such unpaid tax to said treasurer, at his office, within one month thereafter, with seven per centum fees thereon. Said notice shall be served in the same manner and form as notices in the matter of county and state taxes, and the provisions with reference to the notice and the service thereof, shall, to all intents, apply to the notice herein specified as far as the same may be applicable. At the expiration of the time mentioned in the last section, and on and after the first day of October one per centum per month shall be added to the fees therein prescribed, and then it shall be the duty of the treasurer to proceed with the collection of the city taxes then remaining unpaid, in the same manner as provided for the collection of county and state taxes, except as herein otherwise provided.

§ 160. When treasurer's warrants for collecting city taxes are returnable and proceedings thereon.—The warrants issued by him to the officers named shall bear uniform date as of the first day of October and shall be returnable to him on or before the first day of December in the same year. In case any of said taxes mentioned in this article shall remain unpaid after the foregoing proceedings shall have been taken, the list of all the unpaid taxes on all the rolls, both city and county, including the rolls for local assessments made during the year next preceding, shall be delivered by the treasurer to the assessors of the city on or before the fifteenth day of December, and they, or any two of them, shall immediately review such unpaid assessments and correct all errors of every description which have been made either in the original assessments or subsequent proceedings, and shall make correct and full descriptions of the several parcels of land. They shall also have the power to insert in such revised roll any real estate in the city, which may have been omitted in the original rolls, upon

giving at least two days notice thereof to the owner or agent of such property. They may add to said roll with proper corrections any unpaid assessments for local improvements assessed during the then next preceding year.

161. Completion of revised assessment-roll by assessors.— They shall complete such revision within ten days, and two or more of said assessors shall subscribe to the same, and shall give public notice that they will meet at the city clerk's office at the end of ten days, at a time to be designated by them, to hear objections and to correct any errors which may have been made. Such notice shall be given by publishing the same at least one week in the official papers of the city. They shall, within ten days thereafter, complete such correction and subscribe the same and deliver the corrected rolls to the treasurer. The treasurer shall add to said rolls the amount of taxes assessed upon the several persons or parcels of land, designating the county and state tax separately from the others, together with all accrued fees therein with twenty-five cents for filing and one dollar for reassessing each parcel and file a certified copy in the clerk's office of Herkimer county.

§ 162. Proceedings by treasurer in the collection of unpaid taxes.—The treasurer shall retain such list in his office and shall thereupon proceed to collect all such unpaid taxes as follows: Whenever any such tax charged on real estate in said city and the interest thereon at the rate of twelve per centum per annum, to be computed from the preceding first day of December, with said fees and expenses, shall remain unpaid for six months from said first day of December, the treasurer shall proceed to advertise and sell such real estate in the manner hereinafter provided for the payment of such tax, fees, interest and expenses, and the expense of advertising and selling the same shall be charged on the land sold, and shall be added to and made a part of such tax. The said treasurer shall cause to be published, at least once in each week, for three weeks, in the official papers of the city, a list or statement of the real estate charged with the payment of such taxes, interest and fees so liable to be sold, and also a notice that the said real estate will, on a day, at the expiration of said three weeks, to be specified in such notice, and the succeeding days, be sold at public auction at a place to be designated in said notice,

in the city of Little Falls, to pay the taxes, interest, fees and expenses thereon which may remain unpaid at the time of such sale. The expense of publishing such list and notices shall not exceed the sum of one dollar to each newspaper for each parcel of land so advertised. On the day named in said notice, the treasurer shall commence the sale of said real estate, and shall continue such sale, from day to day, until the whole thereof shall be sold.

§ 163. Title of purchaser at sale.—The purchasers at such sale shall pay the amount of their respective bids to the said treasurer within forty-eight hours after the sale, and thereupon the said treasurer shall execute to each purchaser a certificate in writing, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, and that the same was sold for unpaid taxes. Such purchaser and his legal representatives or assigns may, immediately upon receiving such certificate, by virtue thereof, and of this act, lawfully possess, hold and enjoy, for his and their own proper use and benefit, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless the same shall be redeemed as hereafter provided ; and he, and his heirs and assigns, may, at any time after the time limited in the next section of this title for the redemption of such premises shall have expired, and the notice therein provided for has been given, and said premises shall not have been redeemed as therein provided, cause the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to him, in the same manner, and by the same proceedings, by and before the same officers, as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 164. Redemption from tax sale.—The owner of, or any person interested in, any real estate sold for taxes as aforesaid, may redeem the same at any time within two years after the date of such sale by paying to said treasurer for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in the certificate given to him, and the interest thereon at the rate of twelve per centum per annum, to be calculated from the date of such certificate, except as provided in section one hundred and sixty-five of this act. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions

of this act to the occupant, owner in fee, mortgagee, judgment-creditor or purchaser upon any other tax sale of the same property, and the heirs or assigns of any or either of them, and the guardian of any infants having an interest therein, at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall be either written or partly written and partly printed, and shall state briefly the lot or * parcel of land to be redeemed, the tax, cost, interest and expenses required to be paid upon such redemption, the last day of redemption of any such real estate, and the office or place where the money for such redemption can be paid, which office or place shall be in the city of Little Falls. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of any or all persons entitled to such notice, if they, or any of them, reside in the city of Little Falls or have a place of business therein; and in case they, or any of them, do not reside or have a place of business in said city, then such notice shall be deposited, postage paid, in the post-office, addressed to them at the post-office at or nearest their known place of residence; and if the residence or address of any such person or persons be not known, then such notice shall be published at least once a week for three months prior to the day named therein for redemption in the official papers. The expense of mailing and publishing such notices shall be added to and become a part of the amount required to be paid for the redemption of such real estate. Such notices shall not be served, nor shall the publication thereof, when required, be commenced within eighteen months after the date of the certificate.

§ 165. Certificate and deed to purchaser.—If upon any such sale any piece of land be sold for more than the amount then due for the tax, fees, interest and expense, including the expense of advertising, the certificate delivered to the purchaser shall draw interest at the rate aforesaid only upon the amount so due, and no interest upon any excess of such amount. If such real estate, or any part thereof, be not redeemed as herein provided, the said treasurer shall execute to the purchaser, his heirs or assigns a conveyance of the real estate so sold, which convey-

* So in the original.

ance shall vest in the grantee an absolute estate in fee. The said treasurer shall be entitled to demand and receive from such grantee for the use of the city the sum of one dollar for preparing such conveyance. Every such conveyance shall be executed by said treasurer under his hand and the seal of said city, and the execution thereof shall be acknowledged before a proper officer, the same as other conveyances of real estate are acknowledged under the laws of this state, and such conveyance shall be conclusive evidence that the sale was regular, and also presumptive evidence that all the previous proceedings were regular according to law and the provisions of this act. Every certificate or conveyance executed in pursuance of this act and acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds, may be recorded in the same manner and with like effect as a deed.

§ 166. Reimbursement to purchaser on failure of title.—Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any proceeding for the collection of any tax, the common council of said city shall reimburse the purchase-money so paid, with interest at six per centum per annum, from the time of its payment, the amount thereof to be presented and audited as other city charges, and paid by the treasurer of said city.

§ 167. Actions for collection of unpaid tax.—Whenever any tax levied and assessed upon any person or property in the city of Little Falls, with the fees, interest and expenses which may by law be added thereto, shall remain unpaid for six months after the warrant for its collection has been placed in the hands of the treasurer of said city, the said treasurer may maintain an action in his name of office for the amount of such tax, fees and expenses remaining unpaid and uncollected, with interest thereon at the rate of twelve per centum per annum, to be computed from the first day of December, against any person or corporation liable for such tax, or the representative of such person or corporation, in any court of competent jurisdiction in which the proceedings, costs, judgments and executions shall be the same and with like effect as in actions between other public officers and individuals, and the amount collected by any such suit shall

be used and applied by said treasurer in the same manner as though the same had been collected by the sale of real estate. The warrant so delivered to the treasurer shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law. Nothing in this act contained shall be construed to repeal or abridge any other power or remedy for the collection of taxes in the city of Little Falls.

§ 168. Application of this article to local assessments.— All the provisions of this act shall apply to and include the collection of all local assessments and the taxes for local improvements.

§ 169. Correction of manifest errors.— Whenever there is manifest error in copying any assessment-roll, or in levying or extending any tax or assessment, the common council may at any time within twelve months after the completion of such assessment-roll, by vote of two-thirds of all the members elected, correct, cancel, remit or add to the same, but shall have no power to alter any valuation made by the assessors; nor shall such amended assessment, if greater than the original assessment, be a lien on the real estate for the amount added as against purchasers or mortgagees in good faith.

§ 170. Reassessment.— In case any tax or assessment shall be void or shall have failed for want of jurisdiction, or for any irregularity in the levy or assessing thereof, the common council shall have the power, and it shall be its duty, to cause the same to be reassessed in a proper manner; if any person shall have paid on a former assessment, the same shall be credited, or in case the payment exceed the amount reassessed the surplus shall be refunded. In case the amount assessed for any local improvement shall be insufficient to defray the expenses of such improvement, the common council shall cause to be assessed the amount which the actual expense thereof exceeds the amount first assessed, to be assessed in like manner as other assessments of like nature.

§ 171. Limitation of liens.— All taxes and assessment on real estate shall cease to be a lien, as against subsequent purchasers, mortgagees and other incumbrancers, unless the certified copy mentioned in section one hundred and sixty-one shall be filed in the county clerk's office within one year after the making of the original assessment-roll, and such liens shall cease as against

the same description of persons at the end of five years from the date of filing said certified copy.

§ 172. Surplus on sales.—Whenever any surplus shall arise upon the sale of lands for taxes, under the provisions of this act, the same shall remain in the custody of the treasurer, who shall keep a record thereof. The owner of the equity of redemption, or any other person interested in such surplus, may apply to any court of competent jurisdiction for an order distributing the same in the same way and manner as in proceedings for the distribution of surplus money in foreclosure actions. Any person making such application, or in any way sharing in the distribution of such money, shall be deemed to have waived all his rights for the recovery of the value or possession of such lands or any part thereof.

ARTICLE X.

Actions by and Against the City.

Section 180. Limitations of actions against the city for negligence.

181. No disqualification as judge or juror because of residence in the city.

182. Civil actions to recover penalties.

§ 180. Limitations of actions against the city for negligence.—All claims against the city for injuries on account of alleged negligence shall be presented to the common council in writing within three months after said injury is received, describing the time, place, cause and extent of the injury, and giving the names of all persons present at the time so far as the same are known and also the nature and extent of the injury, verified by the oath of the claimant, if possible. An omission to present such claim within three months, as above provided, shall be a bar to an action thereon against the city. No action shall be commenced against said city on such claim until after two months from the presentment thereof, and no such action shall be commenced after the expiration of one year from such injury.

§ 181. No disqualification as judge or juror because of residence in city.—No person shall be disqualified from acting as judge, juror or justice by reason of being an inhabitant, or freeholder, in the city of Little Falls, in any action or proceeding in which the city is a party or interested.

§ 182. Civil action to recover penalties.—Civil actions to recover any penalty or forfeiture incurred under this act may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of said city, and in any action brought in a justice's court, or the recorder's court, it shall be lawful to complain generally for the amount of such penalty or forfeiture, stating the section of this act or of the ordinances under which the penalty is claimed, and to give the special matter in evidence; and the defendant may answer by simply denying the truth of the complaint, and give the special matter in evidence. If such action be brought in a justice's or recorder's court against an alleged owner of real property, the fact that the title to real property comes in question on the pleadings, or appears on the trial, shall not deprive the court of jurisdiction, but may be litigated and determined by the justice or recorder as the right of the case may appear; but such judgment shall not be evidence concerning the title of real property in any other action or proceeding. The first process in any such action brought in a justice's court or recorder's court shall be by summons, which may be made returnable forthwith, and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the city treasurer, to the credit of the contingent fund; any justice of the peace, or the recorder, before whom any judgment shall be rendered in favor of or against the city of Little Falls, in any action brought for the recovery of any penalty or forfeiture, or in any other action in which the city of Little Falls shall be a party, shall, within ten days thereafter, file with the city clerk a transcript of such judgment, for which he shall be entitled to charge the sum of twenty-five cents, and include the same in the costs of such judgment; and, in case any such justice or recorder shall omit to file such transcript, or to do any of the acts above described, he shall forfeit the sum of twenty-five dollars for each and every of such omissions, to be recovered in an action by the city against such justice or recorder. Whenever a judgment in favor of the city shall be recovered for twenty-five dollars or upwards, exclusive of costs, a transcript thereof may be filed in the office of the clerk of Herkimer county, and thereupon the same shall become a lien upon the property of the defendant in such judgment to the same extent, and may be col-

lected and enforced in the same manner as other judgments recovered before justices of the peace, and transcripts filed in pursuance of the statutes of the state.

ARTICLE XL

Relation of City to the Village of Little Falls and to the Towns of Little Falls, Manheim and Danube—First Election and First Appointment of City Officers.

Section 190. Succession of city to property and obligations of the village of Little Falls.

191. Separation of city from town.

192. Adjustment of property and liabilities of the towns.

193. Continuance of village ordinances.

194. Continuation of village officers as city officers.

195. Continuation of town and school district officers as city officers.

196. First election of elective city officers.

197. First official year of city. Terms of office of first elected officers.

198. First appointments of appointive city officers.

199. First annual tax levy.

200. Time when this act takes effect.

§ 190. Succession of city to property and obligations of the village of Little Falls—All real and personal property now owned, possessed by or held in the name of the village of Little Falls, or in trust therefor, or for the president and trustees thereof, is hereby vested in the city of Little Falls. The city of Little Falls shall be liable for all debts and liabilities of said village, and every action or special proceeding commenced by or against said village and now pending undetermined may be continued by the substitution of the city of Little Falls as a party thereto in the place and stead of the village of Little Falls. The city of Little Falls shall be liable for the bonded and other indebtedness of the village of Little Falls. The union free school district of the city of Little Falls shall be liable for the bonded and other indebtedness of union free school district number one of the towns of Little Falls and Manheim, and shall pay and discharge the principal and interest thereon as the same shall respectively fall due.

§ 191. Separation of city from town.—The boundaries of the towns of Little Falls, Manheim and Danube are changed so that no portion of the territory included within the city of Little Falls shall be included in either of said towns. The balance of said towns, not included within the boundaries of said city, shall respectively be separate and distinct towns. All officers of each of said towns, whether they reside within or without such towns, shall continue to hold their offices respectively for the terms for which they were chosen, and their becoming non-residents of such towns by reason of the separation of the city, therefrom, shall not cause their offices to become vacant.

§ 192. Adjustment of property and liabilities of the towns.—The city of Little Falls shall be liable for its proportion of the debts, demands and claims now existing against the present towns of Little Falls, Manheim and Danube, to be ascertained and adjusted as hereinafter mentioned. The proportion of said debt for which said city shall be liable shall be that amount thereof, which shall bear the same proportion to the whole debt of each of said towns as the assessed valuation of the property situated within the limits of said city, respectively, taken from such towns bears to the whole assessed valuation of the towns from which such portion is taken according to the last assessment-roll of each of said towns. The present town board of each of said towns shall, within twenty days after the passage of this act, meet together, and audit and ascertain the indebtedness of each of the present towns of Little Falls, Manheim, and Danube, and adjust the amount or proportion thereof to be paid by the city of Little Falls, and by each of the new towns of Little Falls, Manheim, and Danube, according to the valuation of said towns and city as hereinbefore mentioned. Each town board shall make a statement in duplicate, showing the amount of indebtedness of such town as it now exists, the proportion to be paid by such town and the proportion to be paid by the city of Little Falls, and file one copy thereof with the town clerk of the town and the other with the city clerk of the city of Little Falls, and the debt of said towns so adjusted shall be paid the same as other debts existing against said towns and city respectively. All unexpended moneys belonging to either the present towns of Little Falls, Manheim or Danube in the hands of any of the officers of said towns, shall, upon the

passage of this act be paid over to the respective supervisors of said towns, and settlement made with the respective town boards of each of said towns at the meeting thereof to be held pursuant to this section; and said town boards respectively shall, at the said meetings, apportion the same, if any there be, between the city of Little Falls and the said towns as hereby altered in the manner and on the basis of the apportionment of the debt as above provided. Such moneys apportioned to the city of Little Falls, if any there be, by the town boards of said towns, shall be paid over by the respective supervisors of each of said towns to the treasurer of the city of Little Falls. The city of Little Falls is hereby authorized to acquire title by condemnation proceedings, under the provisions of chapter thirty-three, title one, of the code of civil procedure, to any real estate within said city in which the towns of Little Falls, Manheim or Danube, or any two or more of them, shall or may have an interest.

§ 193. Continuance of village ordinances.— The existing ordinances, by-laws, resolutions and regulations of the trustees of the village of Little Falls shall be and continue in force over the whole city of Little Falls, as if duly adopted and published as ordinances of the city, by the common council of the city, except as the common council shall amend or repeal the same.

§ 194. Continuation of village officers as city officers.—Until the completion of the canvass and declaration of the result of the votes cast at the first election of city officers of said city, the following officers of the village of Little Falls shall be and constitute the following officers of the city of Little Falls, respectively: The president of the village shall be the mayor of the city; the trustees of the village shall be the aldermen of the city; the treasurer of the village shall be the treasurer of the city. Notwithstanding the requirements of section ten of this act, the police justice of the village of Little Falls in office when this act takes effect, shall at once qualify in the manner herein provided as recorder of said city, and shall hold office as such with an annual salary of nine hundred dollars, until the end of the official year in the year eighteen hundred and ninety-eight, when his term of office shall expire. His successor shall be elected at the city election in the year eighteen hundred and ninety-eight for the full term of four years, who shall possess the qualifications and receive the salary provided by article two of this act,

relating to the recorder. The following officers of said village shall respectively be officers of said city until their successors are appointed, to wit : The clerk of said village shall be the clerk of said city ; the police and fire commissioners of the village shall be the board of fire and police of the city, and such board of fire and police shall have full power, jurisdiction and control of all the personal property now belonging or pertaining to the fire and police departments of the village of Little Falls ; the water commissioners of the village shall be the board of public works of the city, and such board of public works shall be the successor to the board of superintendents of public grounds and the board of water commissioners of the village of Little Falls, and entitled to possession of all books and records of said last-mentioned boards ; the chief of police, the assistant chief of police and the four patrolmen of the village, shall be respectively the chief of police, the assistant chief of police and the four patrolmen of the city ; the chief and first and second assistant chiefs of the fire department and the superintendent of the fire alarm telegraph system of the village shall be respectively the chief and first and second chiefs of the fire department and the superintendent of the fire alarm telegraph system of the city ; the firemen and fire companies of the village shall be the firemen and fire companies of the city. The first city engineer, appointed pursuant to this act, shall, immediately after his appointment, take possession of all profiles, maps and drawings belonging to the village of Little Falls, including those in the possession of the board of trustees, and board of water commissioners of the village, together with any and all engineering papers and data belonging to said village or any department thereof. The present official newspapers of the village of Little Falls shall be the official newspapers of the city of Little Falls until other official newspapers shall be designated in pursuance of this act.

§ 195. Continuation of town and school district officers as city officers.—The commissioners of excise of the town of Little Falls, Manheim and Danube shall continue to exercise the same jurisdiction as at present over that portion of their respective towns now included within the village of Little Falls until a board of excise of the city of Little Falls shall be constituted. The board of education of union free school district number one, of the towns of Little Falls and Manheim, shall be the board of

education of the union free school district of the city of Little Falls until the board of education of the city of Little Falls is established. The justices of the peace and constables of the towns of Little Falls, Manheim and Danube shall continue to exercise the same jurisdiction over that portion of their respective towns now included in the village of Little Falls until the completion of the canvass and declaration of the result of the votes cast at the first election of said city for city officers.

§ 196. First election of elective city officers.— A special city election for the first election of all the elective city officers of said city, except recorder, shall be held within twenty days after the passage of this act. At such city election there shall be elected by the city at large a mayor, a treasurer, one assessor for the term of one year, one assessor for the term of two years, and one assessor for the term of three years, one commissioner of excise for the term of one year, one for the term of two years and one for the term of three years, one school commissioner for the term of one year, one school commissioner for the term of two years, and one school commissioner for the term of three years, one justice of the peace for the term of two years, and one justice of the peace for the term of four years, and three constables, and by each ward of the city one alderman for the term of one year, and one alderman for the term of two years, the electors of the first and fourth wards shall together elect one supervisor and the electors of the second and third wards shall together also elect one supervisor, each for the term of one year. Immediately after the passage of this act, or as soon thereafter as practicable, the common council of said city shall designate places for registry and voting for such election, and appoint inspectors of election and poll clerks and ballot clerks therefor. The provisions of general law relating to special city elections shall in every respect apply to such special election, except the designation of places for registry and voting and the appointment of inspectors of election, poll clerks and ballot clerks for such special election need not be made more than twelve days before such special election; and the first and second meeting for registry for such special election shall be held on the second and first Saturdays before such special election instead of the third and second Saturdays before the election,

and that the inspectors of election shall meet upon the first Monday before such special election for the purpose of correcting the registry lists, in pursuance of general law, instead of upon the first Saturday before the election. The several wards of the city shall be the election districts respectively for the first election. Forthwith, upon the appointment of the inspectors of election, poll clerks and ballot clerks for such special election, and the designation of places for registry and voting therefor, the city clerk shall notify each inspector of election, poll clerk and ballot clerk of his appointment, of the election district in and for which he is appointed, of the place for registry and voting therein, of the date of the election, and of the times of opening and closing the polls thereat, which shall be the same as the times for opening and closing the polls of an annual election in said city in pursuance of this act; and shall forthwith cause to be published in each of the official newspapers of the city, in each daily and weekly edition thereafter to and including the date of such election, a notice of the election, stating, in substance, the date of such special election, the time of opening and closing the polls thereat, the offices to be filled thereat, a description of each ward, which shall be the election districts for such election, the places of meeting for registry and voting in each district, the date of each meeting for registry of voters for such election, and the hours of opening and closing each such meeting, and the date of the meeting of the inspectors for the correction of registry lists. The votes cast at such election shall be canvassed and the results thereof declared in the same manner as at an annual city election, in pursuance of this act, on the first Thursday after the election.

§ 197. First official year of city.—Terms of office of first elected officers.—The first official year of the city shall commence upon the completion of the canvass and declaration of the votes cast at such special election, and shall end with the completion of the canvass and declaration of the result of the votes cast at the next annual city election held on the second Tuesday in February next thereafter; but, for the purposes of computing the compensation to which the city officers shall be entitled during such first official year, the time of actual service shall be the basis. The term of office of each city officer

elected at such election shall commence upon the completion of the canvass and declaration of the result of the votes cast thereat. The term of office of the justice of the peace, elected at such election for the term of two years, shall expire with the thirty-first day of December, eighteen hundred and ninety-seven, and the term of office of the justice of the peace, elected thereat for the term of four years, shall expire with the thirty-first day of December, eighteen hundred and ninety-nine.

§ 198. First appointments of appointive city officers.—As soon as practicable after the completion of the canvass and the declaration of the result of the votes cast at such special election the following city officers shall be appointed by the mayor, with the confirmation of the common council, to wit: a city clerk, a city attorney, a city sealer of weights and measures, four fire and police commissioners to hold office for one, two, three, and four years respectively; four commissioners of public works to hold office for one, two, three and four years respectively; four commissioners of charities to hold office for one, two, three and four years respectively; three school commissioners to hold office for one, two and three years respectively; such number of commissioners of deeds as the common council shall by resolution determine upon; six members of the board of health, of whom two shall be appointed for the term of one year, two for the term of two years and two for the term of three years. Each of the following boards shall, within ten days after they are constituted by such appointments, appoint the following city officers respectively: The board of public works shall appoint a city engineer; the board of fire and police shall appoint a chief and a first and second assistant chiefs of the fire department, superintendent of the fire alarm telegraph system, and such number of fire police, not exceeding ten, as in their judgment is necessary; a chief of police, an assistant chief of police and four patrolmen. The city board of charities shall appoint an overseer of the poor and a poor physician. The board of health shall appoint a health officer. All such appointments of first appointive officers of the city shall, except as in this section provided, be appointed in conformity with the provisions of this act relating generally to the appointment of such officers.

§ 199. **First annual tax levy.**— For all purposes relating to the government of said city, after the completion of the canvass and declaration of the result of the votes cast at such first election of officers of said city, such election shall be deemed to be an annual city election, except as in this article otherwise provided. The officers and boards of the city required to furnish to the mayor annual reports and estimates shall furnish the same to the mayor on or before the third day of June, eighteen hundred and ninety-five, instead of on or before the fifteenth day of March. The board of public works shall make up and complete a list of water rates and assessments for the year commencing May first, eighteen hundred and ninety-five, as provided by section ninety-eight of this act and certify the same to the common council and cause it to be delivered to the city clerk on or before the tenth day of June, eighteen hundred and ninety-five, instead of on or before the fifteenth day of April, except that they need not give notice of the hearing of objections thereto for more than one week. Said last-mentioned board shall also make a complete list of the unpaid water rates and assessments levied or assessed by the board of water commissioners of the village of Little Falls in either of the years from eighteen hundred and eighty-eight to eighteen hundred and ninety-four, both years inclusive, and include therein the name of the person and a reference to the property against which the same have been so assessed, and certify such list under the hands of the members of said board, or a majority of them, to the common council and deliver such list, so certified, to the city clerk on or before the tenth day of June, eighteen hundred and ninety-five. The mayor shall present to the common council his estimate of the amount deemed by him necessary to be raised by taxes in the annual city tax levy for the ensuing year, on or before the sixth day of June, eighteen hundred and ninety-five, instead of on or before the first of April. The assessors of said city shall complete their assessment-rolls for the purposes of the levy of city taxes for the ensuing fiscal year on or before the eighth day of June, eighteen hundred and ninety-five, and shall finally complete such rolls and file them with the city clerk on or before the tenth day of June, eighteen hundred and ninety-five. They shall begin to hear objections thereto on the sixth day of June, eighteen hundred and ninety-five, and

shall continue to hear such objections on each succeeding day to and including the eighth day of June, eighteen hundred and ninety-five. They shall give notice of the hearing of such objections in each of the official newspapers of said city as soon after the twenty-fifth day of May, eighteen hundred and ninety-five, as practicable, and continue the same in each edition thereof before the date of closing such hearing, and in such other of the newspapers of the city as the assessors shall direct. The common council shall thereupon extend the taxes on such completed assessment-rolls, and also set down thereon in a column headed "water tax" the water rates and assessments for the year commencing May first, eighteen hundred and ninety-five, opposite the person or corporation against whom the same is assessed, and shall also set down in another column headed "back water tax" opposite the person or property against which the same were originally assessed, the unpaid water rates and assessments for the years eighteen hundred and eighty-eight to eighteen hundred and ninety-four, both inclusive, as certified to it by the board of public works. The common council shall also cause to be set down therein, in a separate column headed "back taxes," any tax or assessment levied by or under the authority of the village of Little Falls, and which has been returned by the collector of said village as unpaid, as appears from the assessment-rolls of said village, and also cause copies of said rolls to be delivered to the treasurer, with the proper warrants thereto annexed, on or before the fifteenth day of June, eighteen hundred and ninety-five, and thereafter the proceedings with relation thereto shall be the same as provided in this act for the proceedings in relation thereto after each annual charter election, except that said treasurer shall receive the taxes thereon assessed for one month from said June fifteenth without any fee or additional charge, for the month succeeding with two per centum fees added thereto, and thereafter and until the thirty-first day of August, eighteen hundred and ninety-five, with four per centum fees added thereto.

§ 200. This act shall take effect immediately.

Chap. 567.

AN ACT to amend chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as subsequently amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, and chapter two hundred and eighty-eight of the laws of eighteen hundred and eighty-seven, and chapter two hundred and seventy-five of the laws of eighteen hundred and ninety-two, and otherwise so as to provide for the improvement of tenement and lodging-houses in the city of New York.

Accepted by the city.

BECAME a law May 9, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and ninety-six of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, in relation to the powers, duties and health fund of the board of health, and of the health department of the city of New York, and for the preservation of the public health, is hereby amended so as to read as follows:

§ 296. The board of police, upon the requisition of the board of health, shall detail to the service of the said board of health, for the purpose of the enforcement of the provisions of the sanitary code, and of the acts relating to tenement and lodging-houses, at least fifty suitable officers and men of experience of at least five years' service in the police force, provided that the board of health shall pay monthly to the board of police a sum equal to the pay of all officers and men so detailed. At least twenty of the officers and men so detailed shall be employed exclusively in the enforcement of the laws relating to tenement and lodging-houses. These officers and men shall belong to the sanitary company of police and shall report to the president of

Consolidation act amended.

Detail of officers to enforce sanitary code, etc.

Enforcement of tenement-house law.

Sanitary company of police.

Discipline
of sani-
tary com-
pany.

the board of health. The board of health may report back to the board of police for punishment any member of said company guilty of any breach of orders or discipline, or of neglecting his duty, and thereupon the board of police may detail another officer or man in his place, and the discipline of the said members of the sanitary company shall be in the jurisdiction of the board of police, but at any time the board of health may object to the efficiency of any member of said sanitary company, and thereupon another officer or man may be detailed in his place.

Vacancies.

The board of police shall have the power, and it shall be their duty to fill all vacancies in the police force in the city caused by the detailing of said officer and men upon the requisition of the board of health. And the board of police are hereby authorized and empowered to appoint twenty-five additional men to the police force subject to all the law, rules and regulations relating to and governing the appointment of patrolmen in said city; and the officers thus detailed to the service of the said board of health shall be selected for their peculiar fitness from amongst those who shall pass a civil service examination conducted by the supervisory board of commissioners of the New York municipal civil service.

Additional
police, ap-
pointment
of.

§ 2. Section five hundred and thirty-three of said act, as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

Jurisdic-
tion of
board of
health.

§ 533. The authority, duty and powers of the board of health shall extend over the waters of the bay, up to and within the quarantine limits, as established by law, but shall not be held to interfere with the powers and duties of the commissioners of quarantine or health officer of the port. It shall be the duty of the board of health to make an annual report to the mayor of the city of New York of all the operations of the said board for the previous year. The mayor may at any time call for a more full report, or for a report upon any portion of the work of said board whenever he may deem it to be for the public good so to do.

Annual re-
port to
mayor.

§ 3. Section five hundred and eighty-eight of said act, as amended by chapters eighty-four and four hundred and eighty-nine of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

§ 588. Said board shall appoint and commission at least thirty-five sanitary inspectors, and shall have power to appoint five additional sanitary inspectors, if it deems that number needful, and from time to time prescribe the duties and salaries of each of said inspectors, and the place of their performance and of all other persons exercising any authority under said board, except as herein specially provided; but twenty of such inspectors shall be physicians of skill and of practical professional experience in said city; the additional sanitary inspectors heretofore duly appointed and commissioned may be included among the sanitary inspectors mentioned in this section, and may continue to act as such without reappointment, but nothing herein contained shall curtail any of the powers vested in the health department by section five hundred and eighty of this act, and the number of sanitary inspectors for whom provision is made in this section shall be exclusive of the special inspectors for whom provision is made in section five hundred and eighty. All of the said inspectors shall have such practical knowledge of scientific or sanitary matters as qualify them for the duties of their office. Each of such inspectors shall, twice in each week, make a written report to said board stating what duties he has performed, and where he has performed them, and also such facts as have come to his knowledge connected with the purposes of this chapter as are by him deemed worthy of the attention of said board, or such as its regulations may require of him; which reports, with the other reports herein elsewhere mentioned, shall be filed among the records of the said board.

Sanitary
inspectors,
appoint-
ment,
powers,
etc., of,

Reports to
board.

§ 4. Section six hundred and fifty-four of said act is hereby amended so as to read as follows:

§ 654. It shall not be lawful without a permit from the superintendent of buildings to construct, during the erection of a tenement or lodging-house, nor after the completion of such tenement or lodging-house, any room or rooms in any basement or cellar to be occupied wholly or in part as a dwelling, nor shall it be lawful without a permit from the board of health to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room built or rebuilt after July first, eighteen hundred and sixty-seven, or which shall not have been so let or occupied before said date. It shall not be lawful, without such permit, to let or continue to

Cellars,
etc., let-
ting and
occupation
of, as dwell-
ings.

be let, or to occupy or suffer to be occupied separately as a dwelling, any vault, cellar, basement, or room wholly or in part underground, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least two feet of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar, room, or basement, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof, up to the surface of the said street or ground an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar, or room, the use of a water-closet or privy kept and provided as in this title required; nor unless the same have an external window opening of at least nine superficial feet clear of the sash frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in the case of an inner or back vault, cellar, or room, let or occupied along with a front vault, cellar, or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this section if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room, by a door, and also by a proper ventilating or transom window, and, where practicable, also connected by a proper ventilating or transom window, or by some hall or passage communicating with the external air. Provided always that in any area adjoining a vault, cellar, underground room, or basement, there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open; and provided further that

Drainage.

Water-closets, windows, etc.

Back cellars, etc., may be occupied with front ones.

Steps to area.

Also over area.

over or across any such area there may be steps necessary for access to any building above the vault, cellar or room to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

§ 5. Section six hundred and fifty-six of said act is hereby amended so as to read as follows:

§ 656. Every tenement or lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging-house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep, or goat be kept in said house. After the first day of September, eighteen hundred and ninety-five, no bakery or place of business in which fat is boiled shall be maintained in any tenement-house which is not fire-proof, or where the ceiling and side walls of place where said fat boiling is done are made safe by fire-proof material around the same, except by permit of and under such conditions as may be prescribed by the fire department, and after the first day of September, eighteen hundred and ninety-five, no part of any tenement-house shall be used for the storage of feed, hay or straw, except by permit of and under such conditions as may be prescribed by the fire department. After the first day of September, eighteen hundred and ninety-five, all transoms, windows, doors and other openings leading into halls or into rooms opening into halls from bakeries or places of business in which fat is boiled in the basements, cellars, or on the first floors of all tenement-houses in the city of New York, shall be solidly closed with the same material as the walls or partitions in which the openings exist, so that there shall be no opening between said bakeries or other places of business of said floor in which fat is boiled and the other parts of the tenement-house in which the same shall be situated. After the first day of September, eighteen hundred and ninety-five, all transoms and windows opening into halls from any portion of said floor of any tenement-house where paint, oil, spirituous liquors or drugs are stored or kept for the purpose of sale, or otherwise, shall be removed and closed up as solidly as the rest of the wall; and all doors leading into any such hall or room from such portion of said floor of said tenement-house used as aforesaid, shall be made fire-proof.

Garbage boxes.

Storage of certain articles prohibited.

Bakeries and places of business in which fat is boiled.

Storage of feed, hay, etc.

Openings between places to be solidly closed.

Openings from paint, liquor and drug stores to be solidly closed.

§ 6. Section six hundred and fifty-seven of said act, as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

Wall paper. § 657. No wall paper shall be placed upon a wall or ceiling of any tenement or lodging-house, unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

Cleaning. Every tenement or lodging-house, and every part thereof shall be kept clean and free from any accumulations of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with it or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement-house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cess-pools and drains of the house or part of the house of which he is the owner or lessee, to the satisfaction of the board of health, so often as he shall be required by or in accordance with any regulation or ordinance of said board, and shall well and sufficiently, to the satisfaction of the said board, whitewash the walls and ceilings thereof twice at least in every year, in the months of April and October, unless the said board shall otherwise direct. Every owner of a tenement or lodging-house and every person having control of a tenement or lodging-house, shall file in the department of health a notice containing his name and address, and also a description of the property by street number or otherwise, as the case may be, in such manner as will enable the board of health easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, the number of families occupying each apartment, and the trades or occupations carried on therein. In case of a transfer of any tenement-house, or lodging-house, it shall be the duty of the grantor and grantee of said tenement or lodging-house to file in the department of health a notice of such transfer stating the name of the new owner within thirty days after such transfer. In case of the devolution of said property by will, it shall be the duty of the executor and of the devisee, if more than twenty-one years of age, and in case of the devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all of the heirs are under age it shall be the duty of the guardians of such heirs, and in case said heirs have no guardians it

Duties of owners and lessees.

Description of property to be filed.

Notice of death of owners and names of successors to be filed.

shall be the duty of the administrator of the deceased owner of said property to file in said department a notice stating the death of the deceased owner and the names of those who have succeeded to his interest in said property, within thirty days after the death of said decedent in case he died intestate, and within thirty days after the probate of his will, if he died testate. A failure to file such notice shall make said property and the owners thereof liable to a penalty of not less than ten dollars nor more than fifty dollars. Said penalty may be collected in the manner prescribed in section six hundred and sixty-five of this act. Every person claiming to have an interest in any tenement or lodging-house may file his name and address in the department of health. All notices and orders of the board of health required by law to be served in relation to a tenement or lodging-house shall be served by posting in some conspicuous place in the house, a copy of the notice or order, five days before the time for doing the thing in relation to which said notice or order was issued. The posting of a copy of an order or notice, in accordance with this section, shall be sufficient service upon the owner of the property affected. It shall be the duty of the board of health to cause a copy of every such notice or order to be mailed, on the same day that it is posted in the house addressed to the name and address of each person who has filed with the department of health the notice provided for in this section.

Failure to
file such
notice.

Posting of
orders and
notices of
board of
health.

§ 7. Section six hundred and fifty-nine of said act, as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

§ 659. Whenever it shall be certified to the board of health of the health department of the city of New York by the sanitary superintendent, that any building or any part thereof in the city of New York is infected with contagious disease, or by reason of want of repair has become dangerous to life, or is unfit for human habitation because of defects in drainage plumbing, ventilation, or the construction of the same, or because of the existence of a nuisance on the premises and which is likely to cause sickness among its occupants, the said board of health may issue an order requiring all persons therein to vacate such building or part thereof for the reasons to be stated therein as

Order re-
quiring va-
cating of
building.

Posting
and service
of same.

aforesaid. Said board shall cause said order to be affixed conspicuously in the building or part thereof and to be personally served on the owner, lessee, agent, occupant or any person having the charge or care thereof; if the owner, lessee or agent can not be found in the city of New York or do not reside therein or evade or resist service, then said order may be served by depositing a copy thereof in the post-office in the city of New York, properly inclosed and addressed to such owner, lessee or agent at his last known place of business or residence, and pre-

Vacating
of building

paying the postage thereon; such building or part thereof shall within ten days after said order shall have been posted and mailed as aforesaid or within such shorter time not less than twenty-four hours, as in said order may be specified, be vacated, but said board whenever it shall become satisfied that the danger from said building or part thereof has ceased to exist, or that said building has been repaired so as to be habitable,

Revoca-
tion of
order.

may revoke said order. Whenever in the opinion of the board of health of the health department of the city of New York, any building or part thereof, in the city of New York, an order to vacate which has been made by said board, is, by reason of age, defects in drainage, plumbing, infection with contagious disease, or ventilation, or because of the existence of a nuisance on the premises, which is likely to cause sickness among its occupants or among the occupants of other property in the city of New York, or because it stops ventilation in other buildings, or otherwise makes or conduces to make other buildings adjacent to the same unfit for human habitation, or dangerous or injurious to health; or because it prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other sanitary evils in respect of such other buildings; so unfit for human habitation that the evils in or caused by said building can not be remedied by repairs or in any other way except by the destruction of said building, or of a portion of the same, said board of health may condemn the same and order it removed, provided the owner or owners of said building can demand a survey of said building in the manner provided for in case of unsafe buildings, and may institute proceedings in the supreme court in the county of New York for the condemnation of said building. Said proceedings shall be instituted and carried on in the manner prescribed by the code

Owners
may
institute
proceed-
ings, etc.

of civil procedure, except as modified by this act. Upon the institution of said proceedings, the owner of said building or any person interested therein may in his answer dispute the necessity of the destruction of said building or part thereof as the case may be. In such case, the court shall not appoint commissioners unless proof is made of the necessity of said destruction. In such proceeding evidence shall be receivable by the commissioners to prove:

May dispute necessity of destruction.

Proof of necessity of destruction required.

1. That the rental of the building was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or

Evidence receivable.

2. That the building is in a state of defective sanitation, or is not in reasonably good repair; or

3. That the building is unfit, and not reasonably capable of being made fit, for human habitation; and, if the commissioners are satisfied by such evidence, then the compensation—

(a) Shall in the first case, so far as it is based on rental, be based on the rental of the building, as distinct from the ground rent, which would have been obtainable if the building was occupied for legal purposes and only by the number of persons whom the building was under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

(b) Shall in the second case be the amount estimated as the value of the building if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

(c) Shall in the third case be the value of the materials of the buildings.

Nothing in this section contained shall repeal any part of section five hundred and thirty-five of this act or impair any of the powers thereby vested in the board of health.

Provided.

§ 8. Section six hundred and sixty-one of said act, as amended by chapters eighty-four and two hundred and eighty-eight of the laws of eighteen hundred and eighty-seven and chapter two hundred and thirty-eight of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

§ 661. It shall not be lawful, without a permit from the superintendent of buildings, to alter, erect or convert to the pur-

Spaces
between
tenement-
house and
adjoining
buildings.

poses of a tenement or lodging-house, a building on any lot where there is another building on the same lot, or to build, or to erect any building on any lot whereon there is already a tenement or lodging-house, unless there is a clear open space exclusively belonging thereto, and extending upward from the ground of at least ten feet between said buildings if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall not be less than twenty feet; if they are more than three stories high, the distance between them shall not be less than twenty-five feet, but when thorough ventilation of such open spaces can be otherwise secured, such distances may be lessened or modified in special cases by a permit from the department of buildings. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on any lot, there shall be and remain a clear open space of not less than ten feet between it and the rear end of the lot. No one continuous building hereafter constructed shall be built or converted to the purposes of a tenement or lodging-house in the city of New York, upon an ordinary city lot, and no existing tenement or lodging-house shall be enlarged or altered, or its lot be diminished so that it shall occupy more than sixty-five per centum of the area of said lot, but where the light and ventilation of such tenement or lodging-house are, in the opinion of the superintendent of buildings, materially improved, he may permit such tenement or lodging-house to occupy an area not exceeding seventy-five per centum of the said lot, and in the same proportion if the lot be greater or less in size than twenty-five by one hundred feet; but this provision shall not apply to corner lots, in which, however, no such building hereafter constructed, above the first story shall occupy more than ninety-two per centum of the area of a lot, but no such building shall come within five feet of the rear of said lot above the first story. In computing the amount of the lot covered by a building, any shaft or court of less than twenty-five square feet in area shall be considered as part of the building and not as part of the free air space. No shaft or court hereafter constructed in a tenement-house, except elevator shafts or staircase wells, except any shaft the area of which does not

Space in
recesses of
buildings.

Dimensions
of lots.

Shafts or
courts not
to be
covered.

exceed ten square feet shall be covered with a roof, skylight or otherwise. In all tenement-houses hereafter constructed or buildings hereafter converted to the purposes of a tenement-house, the stairway communicating between said cellar or basement and the floor next above when placed within any such building shall be located to the rear of the staircase leading from the first story to the upper stories and be inclosed with brick walls, and such stairway shall be provided with fireproof doors at the top and bottom of said flight of stairs; an open area shall be constructed from the level of the cellar to the sidewalk in front of and extending the full width of such houses which shall contain a staircase to give access to the cellar from the street. Where stores are located on the first floor the area may be covered with suitable vault lights or gratings. In all tenement-houses hereafter constructed or buildings hereafter converted to the purposes of a tenement-house the openings to the elevators or lifts in the cellar and at every opening on every story shall be provided with self-closing fireproof doors. This provision, however, shall not apply to such elevators in tenement-houses which are operated by a conductor stationed within the car; but if such elevators run to the cellar, they must be inclosed in the cellar with fireproof walls, and the door to the cellar, if any, must be fireproof and self-closing. In all tenement-houses hereafter constructed or buildings hereafter converted to the purposes of a tenement-house; all staircases shall be fireproof; but this provision as to staircases shall not apply to buildings which are not over five stories high above the cellar and which contain not more than three suites of rooms on a floor. Every tenement-house hereafter constructed or buildings hereafter converted to the purposes of a tenement-house, which building exceeds three stories in height or has basement with three stories above the cellar, shall have the entrance hall and entire stairwell and stairs built of such slow-burning construction or fireproof material as the superintendent of buildings shall decide; also no wainscoting shall be allowed in the main halls except of cement or other fireproof material; excepting that the handrails and balusters can be of hard wood; at least one flight of such stairs shall extend to the roof and be inclosed in a bulkhead building of fireproof material; on second floor of all tenement-houses not fireproof

Stairways between basement and floor above.

Open area from cellar level to sidewalk and staircase.

Area coverings.

Elevator openings, fireproof doors at, etc.

Fireproof staircase.

Entrance halls, stairwells and stairs in certain buildings.

Wainscoting in main halls.

Stairs to roof.

Fireproof doors at entrances from stairs to hall.	throughout all entrances from stairs to halls shall be closed off with fireproof double-swing doors; it shall be the duty of the owner or lessee of such tenement-house to have said door on second floor closed every night at not later than ten o'clock.
Fan-lights or windows in partitions.	No fan-light or window shall be hereafter placed in the partition or interior wall between the main and private halls of any tenement-house which is not fireproof, and any room in the same.
Windows opening into outer air.	In all tenement-houses hereafter constructed and buildings hereafter converted to the purposes of a tenement-house each room must have a separate window opening into the outer air; each water-closet must have a window opening into the outer air; the floor of each water-closet must be made water-proof with asphalt, cement, tile, metal or some other water-proof material; and such water-proofing must extend at least six inches above the floor so that said floor can be washed or flushed out without leaking.
Water-closet floor.	The light and ventilation, for all buildings hereafter erected for or converted to the purposes of tenement or lodging-houses, must be provided in accordance with the requirements of this title and the conditions of a plan and permit previously approved in writing by the superintendent of buildings, and no existing tenement or lodging-house shall be enlarged or altered or its lot diminished without a similar permit.
Light and ventilation.	The superintendent of buildings is hereby empowered and directed to make rules and regulations not inconsistent with the requirements of this title, and which in addition to the requirements of this title shall be the conditions of approval for the plans and permits; these rules and regulations shall govern the arrangement and distribution of the uncovered area, size, lighting, location and arrangement of shafts, rooms, cellars and halls, and may be modified or changed from time to time by the superintendent of buildings.
Rules and regulations.	No building or premises occupied for a tenement-house shall be used for a lodging-house, private school, stable or for the storage and handling of rags, but the board of health may, by a special permit, allow the maintenance of a private school in such a house.
Restriction as to use of buildings.	In case of any violation of the provisions of this section, or of any failure to comply with or of any violation of the terms and conditions of the plan for such tenement or lodging-house approved by the department of buildings or of the conditions of the permit granted by the department of buildings for such house, or for the air, light and ven-
Violations may be restricted by injunction.	

tilation of the same, any court of record, or any judge or justice thereof shall have power, at any time after service of notice of violation, or of non-compliance, upon the owner, builder or other person superintending the building or converting of any such house, upon proof by affidavit of any violation or non-compliance as aforesaid, or that a plan for light and ventilation of such house has not been approved by the department of buildings, to restrain by injunction order, in an action by the department of buildings, of the further progress of any violation as aforesaid. No undertaking shall be required as a condition of granting an injunction, or by reason thereof.

§ 9. Section six hundred and sixty-three of said act, as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

§ 663. Every such house erected after May fourteenth, eighteen hundred and sixty-seven, or converted, shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys for every family set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have croton or other water furnished in sufficient quantity at one or more places on each floor, occupied or intended to be occupied by one or more families; and all tenement-houses shall be provided with a like supply of water by the owners thereof whenever they shall be directed so to do by the board of health. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water are placed in said house. Provided that the board of health shall see to it that all tenement-houses are so supplied before January first, eighteen hundred and eighty-nine. Every tenement-house shall have the floor of the cellar made water tight; and the ceiling plastered, and when the house is located over filled-in ground, or over marshy ground, or ground on which water lies, the cellar floor shall be covered so as to effectually prevent evaporation or dampness. It shall be the duty of the board of health that the cellars of all tenement-houses are so made or altered as to comply with this section before January first, eighteen hundred and ninety. Every such house erected after May seventh, eighteen hundred and eighty-

Chimneys,
fire-places,
etc.

Water
supply.

Cellar
floors, how
covered,
etc.

Hall's, win-
dow open-
ing, from.

No obstructions at end.

Burning lights in hallways.

Regulations to prevent danger from lights.

seven, or converted, shall have the halls on each floor open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for in said halls in a manner approved by the superintendent of buildings. The owner or lessee of every tenement or lodging-house in the city of New York shall keep a light burning in the hallway upon each floor of said house from sunset until ten p. m. throughout the year. In every tenement-house in the said city in which there is a hallway or hallways with no window opening from such hallway outside of said house, a light shall be maintained by said owner or lessee in each such hallway between the hours of eight a. m. and ten p. m. of each day, unless said hallway shall be otherwise sufficiently lighted. The fire department of the city of New York is hereby vested with authority to prescribe reasonable regulations concerning such precautions as may be necessary to prevent danger from fire arising from such lights.

§ 10. Section six hundred and sixty-four of said act, as amended by chapter eighty-four of the laws of eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

Overcrowding of tenements prohibited.

Reduction of number of occupants.

Janitor, etc., when to be provided.

Permits to owners of buildings now in operation.

§ 664. Whenever it shall be certified to the board of health by the sanitary superintendent that any tenement-house or room therein being without sufficient ventilation is so overcrowded that there shall be afforded less than four hundred cubic feet of air to each adult and two hundred cubic feet of air to each child under twelve years of age occupying such building or room, the said board shall issue an order requiring the number of occupants of such building or room to be reduced in accordance with this provision. Whenever there shall be more than eight families living in any tenement-house, in which the owner thereof does not reside, there shall be a janitor, housekeeper or some other responsible person, who shall reside in the said house, and have charge of the same, if the board of health shall so require. Permits may be granted to the owners of lodging-houses now in operation on compliance with the rules and regulations of the sanitary code now in force in the city of New York.

§ 11. Section six hundred and sixty-five of said act is hereby amended so as to read as follows:

§ 665. Every owner or other person violating any provision of this title shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not more than ten days for each and every day that such violation shall continue, or by both such fine and imprisonment, in the discretion of the court. He shall also be liable to pay a penalty of ten dollars for each and every day that such offense shall continue. Such penalty may be sued for and recovered by the board of health in any civil tribunal of said city, and when recovered shall be paid over to the city chamberlain and become part of the tenement-house fund, directed by section one hundred and ninety-four, subdivision nine of this act, to be annually appropriated to the credit of the health department and to be expended by the board of health. In every proceeding for a violation of this title, and in every such action for a penalty it shall be the duty of the owner of the house to prove the date of its erection or conversion to its existing use, if that fact shall become material, and the owner shall be, prima facie, the person liable to pay such penalty, and after him the person who is the lessee of the whole house, in preference to the tenant or lessee of a part thereof. In any such action the owner, lessee, and occupant, or any two of them, may be made defendants, and judgment may be given against the one or more shown to be liable, as if he or they were sole defendant or defendants. No part of chapter two hundred and seventy-five of the laws of eighteen hundred and ninety-two, or of any other act shall be so construed as to abrogate or impair the power of the board of health to sue for and recover such a penalty whether the liability to pay said penalty shall arise from a violation of the laws, ordinances or sections of the sanitary code, in regard to light, ventilation, plumbing and drainage, so far as the same affects the sanitary condition of the premises; and except that the department of buildings of the city of New York shall have jurisdiction and cognizance over all matters and things in this title contained which relate to the construction of buildings or structures, or any part thereof, and as to light, ventilation, drainage and plumbing. Any penalty for a violation of the provisions

Punishment for violations.

Penalties.

Tenement-house fund.

Duty of owners in proceedings and actions.

Owners, lessees, etc., may become defendants.

Powers of board of health to recover penalties.

Jurisdiction of department of buildings.

Penalties,
how sued
for and
recovered.

of this title in respect to the matters aforesaid shall be sued for and recovered in the same manner as the violations of the building laws of the city of New York are now sued for and recovered by the department of buildings in the city of New York; and said penalty so collected shall be paid to the comptroller of the city of New York to be applied as other penalties collected by said department are applied.

Disposition
of penal-
ties.

§ 12. Section six hundred and sixty-seven of said act, as amended by chapter three hundred and twenty-nine of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

Regula-
tions as to
"special
cases."

§ 667. The superintendent of buildings shall have authority to make other regulations as to light and ventilation of all new tenement or lodging-houses consistent with the foregoing; when he shall be satisfied that such regulations will secure equally well the health and safety of the occupants; likewise the board of health shall have authority to make other regulations as to cellars and as to ventilation in completed buildings, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants.

Construc-
tion of act.

§ 13. This act is hereby declared to be a remedial statute and is to be construed liberally, to secure the beneficial interests and purposes thereof. Nothing herein contained shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause or causes of action accrued or existing, whether for a penalty or otherwise, under any act repealed or amended by this act. No powers of the department of buildings are hereby transferred to the board of health. All acts and parts of acts in conflict with any portion of this act are hereby repealed.

Repeal.

TABLE

OF

LOCAL AND SPECIAL LAWS

AMENDED OR REPEALED BY THE LAWS OF 1895.

PREPARED BY THE COMMISSION OF STATUTORY REVISION.

I. LOCAL LAWS AMENDED.

Subject.	Laws.	Chapter.	SECTIONS AMENDED.	LAWS OF 1895.	
				Chapter.	Page.
Albany.....	1820	48	Bible and Prayer Book Society, § 4.....	819	474
Albany.....	1883	298	Charter, title 2, § 1; title 3, §§ 2, 3.....	863	1865
Albany.....	1883	298	Charter, title 3, § 30.....	983	2009
Albany.....	1883	298	Charter, title 3, §§ 4, 7, 15, 56 and 59; title 4, §§ 2, 6, 7, 14; title 5, § 2, added; title 7, § 8.....	806	1742
Albany.....	1883	298	Charter, title 7, §§ 5, 7, 8, 9, 10, 11, 15, 18, 19 and 21.....	913	1934
Albany.....	1883	298	Charter, title 12, § 1; title 16, § 12; title 18, §§ 1, 13, and title 21, all.....	806	1742
Albany.....	1885	261	Penitentiary, §§ 52-4.....	761	1632
Albany.....	1891	151	Public buildings, § 11.....	213	281
Albany.....	1892	686	Salary of County Judge, etc.....	649	1438
Albany.....	1894	761	Improvement of Second avenue, § 1, and § 2 added.....	984	2011
Albany.....	1894	763	Garbage crematory, § 1.....	848	1808
Amity.....	1866	223	Public cemetery, § 5.....	6	4
Amsterdam.....	1885	181	Charter, §§ 2, 12, 36.....	234	298
Amsterdam. ...	1885	181	Charter, § 83 amended and §§ 83a-83c added.....	250	818
Attica.....	1890	560	Charter, § 28.....	731	1524
Auburn.....	1879	53	Charter, §§ 16, 24, 27, 33, 42, 53, 56, 60, 61, 72, 73, 79, 82, 86, 87, 90, 96-102, 109, 112, 113, 120, 121, 131, 140.....	586	932
Batavia.....	1884	193	Charter, title 3, § 14; title 4, § 7.....	214	282
Batavia.....	1884	193	Charter, title 8, § 1.....	117	108
Rath.....	...	...	Charter revised.....	785	1652
Bedford Dispensary and Hospital.....	1848	319	All.....	543	904
Beet-sugar co-operative community.....	1893	603	Sections 1, 3, 8, 12, 32.....	457	811

LOCAL LAWS AMENDED—(Continued).

Subject.	Law.	Chapter.	SECTIONS AMENDED.	LAWS OF 1895.	
				Chapter.	Page.
Binghamton....	1888	214	Charter, title 2, §§ 1, 3, 4-10, 12; title 3, § 2, 4, 5, 12; title 4, §§ 1, 2, 7-9, 11, 15, 16, 18-22; title 5, §§ 1, 2; title 6, §§ 1, 2, 4; title 7, §§ 1-4, 6-8, 11, 18; title 8, §§ 3, 5, 8; title 9, § 18; title 10, §§ 4, 6, 7, 12, 14; title 11, § 8; title 14, § 3; title 15, §§ 12, 21, and § 30 added.	859	1810
Brooklyn.....	1868	567	Eye and Ear Hospital, § 3.....	481	851
Brooklyn.....	1878	838	Sunday School Union, § 3.....	263	851
Brooklyn.....	1878	868	Charter (repealed by Laws of 1888, chap. 683), title 2, § 18.....	859	500
Brooklyn.....	1884	284	Compensation of firemen, § 1.....	269	853
Brooklyn.....	1888	583	Charter, title 2, §§ 2, 8.....	197	224
Brooklyn.....	1888	583	Charter, title 2, § 2, 8.....	976	2008
Brooklyn.....	1888	583	Charter, title 2, § 15.....	637	1410
Brooklyn.....	1888	583	Charter, title 2, § 20.....	655	1435
Brooklyn.....	1888	583	Charter, title 2, § 28.....	683	1471
Brooklyn.....	1888	583	Charter, title 3, § 11, sub. 2.....	436	780
Brooklyn.....	1888	583	Charter, title 4, §§ 4, 11, 16, 18.....	648	1428
Brooklyn.....	1888	583	Charter, title 7, §§ 6, 10.....	888	1911
Brooklyn.....	1888	583	Charter title 10, § 8.....	1015	2062
Brooklyn.....	1888	583	Charter, title 11, § 6.....	996	2026
Brooklyn.....	1888	583	Charter, title 14, §§ 1, 6, 7, 10, 13, 22, 23.....	292	880
Brooklyn.....	1888	583	Charter, title 14, §§ 24, 46, 55, 56, 57.....	539	955
Brooklyn.....	1888	583	Charter, title 14, § 61.....	292	880
Brooklyn.....	1888	583	Charter, title 15, § 48.....	100	78
Brooklyn.....	1888	583	Charter, title 15, § 50.....	1008	2057
Brooklyn.....	1888	583	Charter, title 16, § 2.....	947	1963
Brooklyn.....	1888	583	Charter, title 17; § 15 added.....	656	1438
Brooklyn.....	1888	583	Charter, title 18, § 1.....	339	477
Brooklyn.....	1888	583	Charter, title 19, § 1.....	297	401
Brooklyn.....	1888	583	Charter, title 19, § 16.....	654	1434
Brooklyn.....	1888	583	Charter, title 20, §§ 7, 9.....	1034	2063
Brooklyn.....	1888	583	Charter, title 21, § 6.....	637	1410
Brooklyn.....	1888	583	Charter, title 22; § 35 added.....	373	544
Brooklyn.....	1889	253	Armory, § 2.....	238	875
Brooklyn.....	1889	365	Eighth ward improvements, §§ 8, 9...	520	930
Brooklyn.....	1891	177	Street improvement in Brooklyn and Flatbush, §§ 2-7 amended and §§ 8-13 added.....	444	798
Brooklyn.....	1892	440	Pier at North Second street, §§ 1, 2....	657	1489
Brooklyn.....	1892	447	Church society of M. E. church, § 5....	74	68
Brooklyn.....	1893	595	Celebration of Memorial day, § 1.....	538	954
Brooklyn.....	1894	115	Protection of lost or strayed animals...	412	763
Brooklyn.....	1894	451	Annexation of New Utrecht, § 11.....	936	1953
Brooklyn.....	1894	587	Parks, relative to.....	1007	2056
Brooklyn.....	1894	758	Driveways and parkways, §§ 4, 6.....	931	1946
Brownville...	1828	167	Charter, §§ 2, 5, 6, 7, 13, 14, 16, 17, 23...	690	1475
Buffalo.....	1891	105	Charter, §§ 6, 7, 28, 47, 57, 76, 78, 87, 90, 111, 131, 185, 186, 157, 162, 171, 210...	805	1714
Buffalo.....	1891	105	Charter, § 211.....	137	121
Buffalo.....	1891	105	Charter, §§ 271, 288.....	805	1714
Buffalo.....	1891	105	Charter, §§ 315, 317.....	705	1504
Buffalo.....	1891	105	Charter, §§ 349, 365, 369, 370, 374, 376, 397, 399, 401, 402, 404, 416, 417, 457, 458, 463, 464, 466, 467, 469-472.....	805	1714
Buffalo.....	1892	853	Railroad crossings, § 5.....	1039	2037
Canandaigua...	1893	357	Street railroad company; § 2 added...	156	125
Chateaugay....	1869	531	Charter, § 11.....	468	830

LOCAL LAWS AMENDED—(Continued).

Subject.	Laws.	Chapter.	SECTIONS AMENDED.	LAWS OF 1895.	
				Chapter.	Page.
Chatham	1870	458	Charter, §§ 3, 5, 15-17, 20	833	479
Cohoes	1889	192	Cemetery, §§ 10, 12	800	1702
Cohoes	1892	671	Charter, title 1, § 2	48	85
Cohoes	1892	671	Charter, title 3, §§ 5, 11	252	834
Cohoes	1892	671	Charter, title 3, § 13 added	48	85
Cohoes	1892	671	Charter, title 4, §§ 1, 9	252	834
Cohoes	1892	671	Charter, title 4, § 9; title 5, § 34, ...	802	1704
Cohoes	1892	671	Charter, title 5, § 53	252	884
Cohoes	1892	671	Charter, title 11, § 30	801	1704
Cohoes	1892	671	Charter, title 13, § 11	252	834
College Point... ..	1878	609	Water supply; § 15 inserted, 16	588	1277
Cooperstown	1889	511	Charter, title 2, §§ 2, 8; title 3, §§ 11, 13	295	898
Corning	1890	58	Charter, title 2, § 10; title 3, §§ 1, 9; title 6, § 5	760	1634
Dansville	1893	371	Charter, title 3, § 8; title 4, § 1; title 6, § 3; title 7, §§ 1-31	300	402
Dix, Town of... ..	1873	828	Poor farm, § 11	147	124
Dunkirk	1885	396	Charter, title 5, § 3; title 7, § 14; title 11, § 5; title 13, §§ 14 and 15 added; title 15, §§ 8-13 added; title 16, §§ 10, 21; title 22, § 1; title 23, § 13; title 24, § 3; title 25, § 8; title 30, § 23; title 31, §§ 1, 5, 8, 10-13	748	1532
Edgewater	1870	674	Charter, title 10, § 2	246	811
Edgewater	1870	674	Charter, title 10; § 37 added	184	217
Edgewater	1870	674	Charter, title 10, § 37	402	748
Edgewater	1870	674	Charter, title 12, § 1	397	745
Elmira	1894	615	Charter, title 2, §§ 4, 5, 7, 12, 15; title 3, § 24; title 4, §§ 31, 35, 43, 43, 46; title 5, § 72; title 7, §§ 102, 105; title 8, §§ 136, 136-145, 147-159; title 10, § 177, 191; title 13, § 222	871	518
Erie county	1876	231	Office of supervisor, §§ 1, 4	174	208
Flatlands	1893	353	Police commissioner, §§ 1-12, 14	675	1457
Flatlands	1894	450	Annexation to Brooklyn, § 1	313	428
Genesee Camp Ground Ass'n.	1857	252	Section 4 and title amended; § 7 added.	634	1336
Glen Cove Mut. Ins. Co.	1837	118	Corporate existence extended	478	833
Gloversville	1890	55	Charter, title 2, §§ 2, 7, 9, 10, 11	21	11
Gloversville	1890	55	Charter, title 2, §§ 1, 2, 9, 11; title 8, § 3	711	1513
Gloversville	1890	55	Charter, title 3, § 6; title 4, § 9, subd. 22	609	1446
Gloversville	1890	55	Charter, title 5, § 23; title 6, § 8	712	1517
Gr'nbush Bridge Co.	1872	269	Section 9	502	882
Halfmoon	1894	59	Police court in, §§ 4, 12, 18	458	814
Havana .....	.....	.....	See Montour Falls .....	.....	.....
Hempstead	1856	30	Increasing powers of trustees	471	831
Herkimer	1883	181	Poor fund, §§ 1, 2, 4, 9, 10	414	765
Hornellsville ...	1873	386	To promote education, §§ 7, 8	123	111
Hudson .....	.....	.....	Charter revised	751	1533
Ilion .....	.....	.....	Charter revised	315	430
Ithaca	1871	244	Fire department, §§ 1-7	461	818
Ithaca	1898	212	Charter, title 4, § 7, subd. 8	211	277
Ithaca	1898	212	Charter, title 5, § 1	163	196
Jamaica	1873	135	Receiver of taxes, § 7	62	54
Jamestown	1886	84	Charter, title 1, § 4; title 2, §§ 1, 5, 6; title 3, § 1; title 4, §§ 2, 7, 15; title 5, §§ 4-6, 9; title 6, § 14; title 7, § 20	496	867

LOCAL LAWS AMENDED — (Continued).

Subject.	Laws.	Chapter.	SECTIONS AMENDED.	LAWS OF 1895.	
				Chapter.	Page.
Johnstown.....	.....	.....	Incorporated as city	568	1115
Kings county... 1892	461		Public parks, §§ 4, 6	474	835
Kings county... 1894	365		Indexing mortgages, § 20	71	63
Kings county... 1894	758		Department of parks, relative to	444	793
Kingston..... 1872	150		Charter, §§ 60, subd. 10 added, 69, 118..	445	799
Lansingburgh.. 1864	204		Charter revised	160	126
Little Falls.....	.....	.....	Incorporated as city	565	1013
Lockport 1840	226		Cemetery association, § 8	4	8
Lockport 1868	729		Common schools, § 2	488	854
Lockport 1886	120		Charter, §§ 104-109, 111, 112, 207	339	485
Long Island City 1871	461		Charter, title 2, § 1	997	2027
Long Island City 1871	461		Charter, title 9, § 6	910	1926
Long Island City 1889	898		Water supply, §§ 2, 5	759	1633
Malone..... 1867	7		Board of education, § 3	265	353
Middletown... 1888	535		Charter, title 11, § 5, sub. 7	834	1793
Model Town Co. 1893	707		Charter, § 5	920	1944
Mohawk 1894	99		Charter, § 6	60	58
Montour Falls.. 1868	160		Havana charter, §§ 1, 6, 25, 27, 37, 47, 62, 85, 86	681	1468
Montour Falls.. 1868	160		Name changed from Havana to Montour Falls.....	1044	2091
Montour Falls.. 1870	216				
Montour Falls.. 1878	602				
Montour Falls.. 1878	231				
Mount Vernon.. 1892	183		Charter, title 8, §§ 206-209, amended and §§ 203a-206y inserted	180	209
Mount Vernon.. 1892	182		Charter, title 12, § 229i, subds. 12, 13 amended and 229s added	189	219
New Brighton.. 1866	819		Charter, title 3, § 6	446	803
New Brighton.. 1866	819		Charter, title 5, § 3	464	826
Newburgh 1865	88		Free schools, §§ 3, 8	881	1790
Newburgh 1865	541		Charter, title 2, §§ 2, 8, 15	8	1
Newburgh 1865	541		Charter, title 1, § 2; title 2, §§ 1, 2, 8, 12-14, 16, 18, 19, 25; title 3, §§ 1, 4, 8-10, 14, 15; title 4, §§ 1, 5, 8, 11-13; title 5, §§ 1, 2, 12, 27, 29; title 6, §§ 4, 13; title 7, § 3; title 8, §§ 2, 4, 5; title 9, § 1; title 10, §§ 1, 2, 8, 12, 16; title 11, §§ 1, 2; title 12, § 4	554	973
Newburgh 1894	21		Improvement of Downing park	68	60
Newport 1893	289		Board of water commissioners, § 14 ..	323	475
New Rochelle... 1869	473		Receiver of taxes, § 1	904	1921
Newtown..... 1889	208		Fire department, §§ 2, 15	450	809
New York Building and Improvement Co. 1881	598		Incorporating Act, § 3	915	1940
New York city.. 1875	404		Support of blind, §§ 1, 4	872	1880
New York city.. 1882	410		Consolidation Act, § 57	569	1256
New York city.. 1882	410		Consolidation Act, § 66	1043	2039
New York city.. 1882	410		Consolidation Act, § 85	233	296
New York city.. 1882	410		Consolidation Act, § 194, par. 21, subd. 8	885	587
New York city.. 1882	410		Consolidation Act, § 194, par. 21, subd. 10	665	1444
New York city.. 1882	410		Consolidation Act, §§ 233, 239, 242, 245.	610	1805
New York city.. 1882	410		Consolidation Act, § 251	569	1256
New York city.. 1882	410		Consolidation Act, § 256	118	109
New York city.. 1882	410		Consolidation Act, §§ 265, 266, 271 ..	569	1256
New York city.. 1882	410		Consolidation Act, § 296	567	1099
New York city.. 1882	410		Consolidation Act, § 307	569	1256
New York city.. 1882	410		Consolidation Act, § 495	873	1881

LOCAL LAWS AMENDED — (Continued).

Subject.	Law.	Chap- ter.	SECTIONS AMENDED.	LAWS OF 1895.	
				Chap- ter.	Page.
New York city..	1882	410	Consolidation Act, § 520.....	260	844
New York city..	1882	410	Consolidation Act, §§ 533.....	567	1110
New York city..	1882	410	Consolidation Act, § 540a inserted.....	58	52
New York city..	1882	410	Consolidation Act, §§ 553, 554.....	165	197
New York city..	1882	410	Consolidation Act, §§ 588, 654, 656, 657, 659, 661, 668-665, 667.....	567	1101
New York city..	1882	410	Consolidation Act, § 704.....	893	1913
New York city..	1882	410	Consolidation Act, § 714.....	829	1787
New York city..	1882	410	Consolidation Act, § 772.....	1045	2092
New York city..	1882	410	Consolidation Act, § 824, sub. 8.....	825	1784
New York city..	1882	410	Consolidation Act, § 824, sub. 19.....	845	1804
New York city..	1882	410	Consolidation Act, § 824 (subd. 18 added)	540	960
New York city..	1882	410	Consolidation Act, §§ 902, 903.....	613	1311
New York city..	1882	410	Consolidation Act, § 909.....	905	1922
New York city..	1882	410	Consolidation Act, §§ 956, 958, 992, 1000, 1001.....	449	804
New York city..	1882	410	Consolidation Act, § 1028, sub. 7.....	874	1888
New York city..	1882	410	Consolidation Act, § 1109.....	583	1276
New York city..	1882	410	Consolidation Act, § 1503.....	696	1498
New York city..	1882	410	Consolidation Act, §§ 1515-1517, 1523, 1529, 1531.....	1004	2034
New York city..	1882	410	Consolidation Act, §§ 1638, 1639, 1641, 1645-1649, 1651.....	484	856
New York city..	1882	410	Consolidation Act, §§ 1766, 1768, 1775, 1776.....	846	1804
New York city..	1882	410	Consolidation Act, § 1836.....	605	1803
New York city..	1882	410	Consolidation Act, §§ 1846, 1858.....	1034	2078
New York city..	1882	410	Consolidation Act, § 1885.....	991	2021
New York city..	1882	410	Consolidation Act, § 1893.....	902	2033
New York city..	1882	410	Consolidation Act, § 1894.....	909	1925
New York city..	1882	410	Consolidation Act, § 1895.....	593	2034
New York city..	1882	410	Consolidation Act, § 2133.....	691	1454
New York city..	1884	284	Compensation of firemen, § 1.....	269	353
New York city..	1884	424	College of Pharmacy, §§ 1, 3, 5, 6.....	108	81
New York city..	1884	458	Common schools, §§ 25-28 added.....	88	74
New York city..	1885	173	Acquisition of land for public purpose, § 4	684	1473
New York city..	1887	320	Public parks, § 10.....	69	61
New York city..	1887	576	Improvement of 155th street, § 3.....	979	2005
New York city..	1887	696	Water for hospitals, etc., §§ 1, 2.....	459	817
New York city..	1890	299	Public buildings, §§ 6, 9.....	750	1549
New York city..	1891	4	Rapid transit, §§ 4-7, 9, 20, 30, 32-34, 36-41, 43, 44, 47-58, 57, 59, 61, 63, 64..	519	887
New York city..	1892	350	Police buildings, §§ 8, 9, 11, and title...	495	865
New York city..	1892	417	Public roads on parkways, § 1.....	609	1804
New York city..	1892	541	Consolidation of library companies, §§ 1, 2, 3, 4, 6.....	209	273
New York city..	1893	102	Public driveways, §§ 1, 4, 5.....	894	1914
New York city..	1893	189	Water supply, § 24.....	575	1273
New York city..	1893	448	Parks in 23d and 24th wards, § 1.....	875	1835
New York city..	1893	714	Sewerage and drainage in 23d and 24th wards, §§ 1, 2.....	576	1274
New York city..	1894	74	Riverside park, § 2.....	120	110
New York city..	1894	115	Protection of lost or strayed animals...	412	768
New York city..	1894	366	St. Nicholas park, § 1.....	522	925
New York city..	1894	531	Fort Washington park, § 8.....	462	824
New York city..	1894	703	East Side hospital, §§ 1, 2.....	399	746
New York city..	1894	749	Lands for parks, all amended.....	876	1899
New York city..	1894	758	Driveways and parkways, §§ 4, 6.....	921	1916

LOCAL LAWS AMENDED — (Continued).

Subject.	Laws.	Chap- ter.	SECTIONS AMENDED.	LAWS OF 1895.	
				Chap- ter.	Page.
New York city..	1895	553	Clerks and stenographers of justices of Supreme Court, §§ 5, 11	959	1999
New York city..	1895	601	Police magistrates, § 9	908	1924
Norwich .....	.....	.....	Charter revised	374	545
O'Brien	1894	702	Claim of, § 1	777	1646
Olean	1893	479	Charter, §§ 7, 20, 35, 80, 98, 99, 125	695	1485
Oneonta	1874	615	Water-works company, §§ 2, 8, 11, 15	103	79
On'daga county.	1893	520	County clerk, § 8	44	32
Ontario county.	1890	327	Fees of county clerk, § 3	128	114
Oswego	1860	463	Charter, title 2, § 5	35	29
Oswego .....	.....	.....	Charter revised	394	621
Owego	1851	111	Charter, §§ 3, 4, 6, 9-27, 32-35, 37, 38, 42-44, 46-49, 52, 55-58, 64-66	207	236
Peekskill	1883	117	Charter, title 1, §§ 1, 2	677	1461
Peekskill	1883	117	Charter, title 5, §§ 3, subd. 34	392	617
Penn Yan	1889	119	Charter, title 2, §§ 1, 10, 13; title 5, § 4; title 6, §§ 1, 3	261	346
Penn Yan	1894	269	Water supply, §§ 2, 3, 10, 18, 18	212	278
Perry	1882	335	Charter, title 1, § 1	279	374
Plattsburgh	1893	86	Receiver of taxes, § 2	206	235
Pomfret	1858	34	Union free school, § 3	526	927
Port Jervis	1873	370	Charter, § 2, subds. 2, 3, 4, 6	486	860
Port Richmond.	1866	792	Charter, § 28, subd. 13	205	534
Port Richmond.	1866	792	Charter, § 32	469	831
Richmond Co...	1873	297	Common schools, § 1	752	1630
River Bridge Co.	1890	397	Charter, § 11	429	775
Rochester	1861	143	Charter, §§ 2, 4, 5	617	1314
Rochester	1883	193	Parks and parkways, § 15	958	1997
Rochester	1888	193	Parks and parkways, §§ 24, 25	708	1507
Rochester	1892	603	Sewer in town of Gates, §§ 4, 5, 7, 11, 14-16, 20, and 24, 25 added	438	781
Rochester	1894	524	Police pension fund, §§ 2-4	337	1798
Rome	1881	517	Fire commissioners	524	927
St. John's Guild.	1893	33	Merger of hospital, etc	404	750
Salem	1851	206	Charter, § 23	762	1639
Saratoga	1866	220	Charter, §§ 2, 4, 13, 23	247	312
Schenectady....	1862	335	Charter, title 3, § 13	332	1791
Schenectady....	1862	335	Charter, title 6, § 7, subd. 6	85	72
Schenectady....	1862	335	Charter, title 7, § 62	31	26
Schenectady....	1883	330	Water loan, § 6	92	76
South Mount Vernon	1894	214	Certificates of indebtedness, § 1	66	58
Special county judges and sur- rogates	1849	306	Section 3	494	864
Stamford	1870	798	Charter, § 34	362	1864
Syracuse	1853	321	Charter of Syracuse Home Association, §§ 1, 2, 4	65	57
Syracuse	1885	26	Charter, § 5	950	1964
Syracuse	1885	26	Charter, § 8	323	1781
Syracuse	1885	26	Charter, § 9	950	1964
Syracuse	1885	26	Charter, § 19	322	1781
Syracuse	1885	26	Charter, § 28, subd. 7	229	291
Syracuse	1885	26	Charter, § 53	950	1964
Syracuse	1885	26	Charter, § 54	336	483
Syracuse	1885	26	Charter, § 56	950	1964
Syracuse	1885	26	Charter, § 57	336	483
Syracuse	1885	26	Charter, § 96	950	1964

LOCAL LAWS AMENDED — (*Concluded*).

Subject.	Law.	Chapter.	SECTIONS AMENDED.	LAWS OF 1835.	
				Chapter.	Page.
Syracuse	1885	26	Charter, §§ 108-106	822	1781
Syracuse	1885	26	Charter, § 107	985	1953
Syracuse	1885	26	Charter, §§ 118, 120, 126, 140, 142	950	1964
Syracuse	1885	26	Charter, § 142	229	291
Syracuse	1885	26	Charter, §§ 143-145	950	1964
Syracuse	1885	26	Charter, § 150	229	291
Syracuse	1885	26	Charter, §§ 151, 153-157, 162, 165, 174-176, 182	950	1964
Syracuse	1885	26	Charter, § 229	822	1781
Troy	1892	670	Charter, title 2, §§ 2, 11; title 3, §§ 1, 4, 6, subds. 5, 27; title 7, §§ 13, 14; title 8, § 1; title 10, § 7	277	857
Troy	1892	670	Local improvements, etc., title 4, §§ 1, 2	278	867
Utica	1842	137	Common schools, § 8	1082	2075
Utica	1850	66	Common schools, § 1	998	2080
Utica	1862	18	Charter, § 47	886	1796
Utica	1874	546	Town moneys, § 8	830	1789
Utica	1886	227	Justices, § 2	883	1792
Watertown	1869	714	Charter, title 7, §§ 16-22 added	646	1424
Watertown	1891	180	Board of public works, § 26	647	1427
Westchester co.	1868	73	Receiver of taxes, § 8	45	83
Westchester co.	1894	687	Commitment of tramps, etc., § 1, 6 ...	420	768
Westfield	1867	452	Charter, §§ 11, 16, 17	54	42
Westfield	1867	452	Charter, § 11	419	767
White Plains ...	1867	518	Charter, title 2, §§ 1, 3-6, 9; title 3, §§ 1, subds. 11, 16 amended and subds. 17-20 added, 2, 5, 9; title 4, §§ 1, 7, 9; title 5, §§ 1, 4, 6, 13, 14, 36; title 6, § 5 added; title 7, § 12	109	83
Whitestone	1869	199	Charter, title 7, § 2	896	744
Yonkers	1873	36	Water supply; § 37 added	195	223
Yonkers .....	....	....	Charter revised	635	1327

II. LOCAL LAWS REPEALED.

Subject.	Laws.	Chapter.	SECTIONS REPEALED.	LAWS OF 1895.	
				Chapter.	Page.
Angola.....	1894	220	Tax for sidewalk fund ; all	715	1523
Bath	1851	264	All	785	1633
Bath	1852	81	All	785	1633
Bath	1857	632	All	785	1633
Bath	1860	291	All	785	1633
Bath	1866	806	All	785	1633
Bath	1867	246	All	785	1633
Bath	1868	47	All	785	1633
Bath	1871	333	All	785	1633
Bath	1872	327	All	785	1633
Bath	1875	103	All	785	1633
Bath	1875	212	All	785	1633
Bath	1877	286	All	785	1633
Bath	1878	390	All	785	1633
Bath	1880	358	All	785	1633
Bath	1886	87	All	785	1633
Bath	1893	494	All	785	1633
Brooklyn.....	1888	583	Charter, title 22, §§ 11-13.	637	1412
Brooklyn.....	1894	377	Local improvements ; all	1008	2058
Buffalo.....	1891	105	Charter, § 478.	805	1741
Dunkirk.....	1885	396	Charter, title 31, §§ 8, 9, 14, 16.	748	1547
Elmira.....	1894	615	Charter, title 18, §§ 220, 233	371	518
Erie county ..	1883	103	Purchase of supplies, all	173	207
Erie county ..	1885	318	Amends Laws of 1883, chap. 103.	173	207
Erie county ..	1888	235	Amends Laws of 1883, chap. 103.	173	207
Model Town Co.	1894	95	All	919	1943
Newburgh.....	1885	541	Charter, title 5, § 4 ; title 9, § 2	584	999
New York city..	1882	410	Consolidation Act, §§ 2123, 2133, 2140..	691	1484
Norwich.....	1864	210	All	374	584
Norwich.....	1867	240	All	374	584
Norwich.....	1871	763	All	374	584
Norwich.....	1874	291	All	374	584
Norwich.....	1875	238	All	374	584
Norwich.....	1877	32	All	374	584
Norwich.....	1877	293	All	374	584
Norwich.....	1881	31	All	374	584
Norwich.....	1883	324	All	374	584
Norwich.....	1884	468	All	374	584
Norwich.....	1886	273	All	374	584
Norwich.....	1886	274	All	374	584
Norwich.....	1889	133	All	374	584
Oswego.....	1848	374	All	394	742
Oswego.....	1849	134	All	394	742
Oswego.....	1857	96	All	394	742
Oswego.....	1860	463	All, except § 1 of title 9	394	742
Oswego.....	1861	28	All	394	742
Oswego.....	1863	154	All	394	742
Oswego.....	1866	51	All	394	742
Oswego.....	1866	471	All	394	742
Oswego.....	1867	857	All	394	742
Oswego.....	1868	399	All	394	742
Oswego.....	1868	366	All	394	742
Oswego.....	1869	454	All	394	742
Oswego.....	1869	675	All	394	742
Oswego.....	1870	228	All	394	742
Oswego.....	1870	255	All	394	742
Oswego.....	1872	588	All	394	742
Oswego.....	1872	637	All	394	742
Oswego.....	1873	103	All	394	742

LOCAL LAWS REPEALED — (*Concluded*).

Subject.	LAW.	Chap- ter.	SECTIONS REPEALED.	LAWS OF 1895.	
				Chap- ter.	Page.
Oswego	1873	218	All	394	743
Oswego	1875	487	All	394	743
Oswego	1876	367	All	394	743
Oswego	1877	34	All	394	743
Oswego	1877	127	All	394	743
Oswego	1877	226	All	394	743
Oswego	1878	154	All	394	743
Oswego	1879	46	All	394	743
Oswego	1879	69	All	394	743
Oswego	1879	235	All	394	743
Oswego	1879	450	All	394	743
Oswego	1879	533	All	394	743
Oswego	1881	524	All	394	743
Oswego	1883	44	All	394	743
Oswego	1883	169	All	394	743
Oswego	1883	256	All	394	743
Oswego	1887	38	All	394	743
Oswego	1887	130	All	394	743
Oswego	1888	265	All	394	743
Oswego	1888	441	All	394	743
Oswego	1889	383	All	394	743
Oswego	1890	30	All	394	743
Oswego	1890	59	All	394	743
Oswego	1891	363	All	394	743
Oswego	1892	90	All	394	743
Oswego	1894	432	All	394	743
Oswego	1895	35	All	394	743
Owego	1873	53	Union school; all	23	15
Owego	1873	418	Union school; all	23	15
Ridgeway and Shelby	1849	286	Union free school district; all	364	504
Ridgeway and Shelby	1850	321	Amends Laws of 1849, chap. 286.....	364	504
Rochester	1893	55	Sewers	744	1528
Rome	1881	517	Fire commissioners, §§ 14, 15	524	927
Shore inspection	1871	756	All	365	504
Shore inspection	1875	604	All	365	504
Shore inspection	1880	463	All	365	504
Shore inspection	1885	414	All	365	504
Shore inspection	1886	630	All	365	504
Stamford	1894	143	Assessors; all	363	1865
Summit, Scho- harie county..	1853	300	Separate road district; all inconsistent.	741	1537
Syracuse Home Association...	1853	321	Charter, §§ 5, 6	65	58
Syracuse	1885	26	Charter, § 55.....	950	1965
Troy	1892	694	Amends charter.....	278	873
Ulster county ..	1865	707	Compensation of assessors	95	77
Verona	1867	947	Election of town officers; all	303	414
White Plains ...	1867	518	Charter, title 3, § 8.....	109	88

INDEX.

A.

	CHAP.	PAGE.
Adirondack Cottage Sanitarium.		
Exemption of property of, from taxation.....	658	1484
Administrator, Public.		
In New York city, relative to.....	610	1805
Agricultural Insurance Company, Watertown.		
Charter amended, vol. 1.....	9	8
Albany, City of.		
Beaver park, grading and improvement of, issue of bonds for.	781	1649
Bender hygienic laboratory, grant, lease, etc., of certain lands for..	788	1686
City charter amended.....	808	1742
boundary lines and wards	863	1865
repavements of streets, etc	980	2009
taxes	918	1984
City courts and justices of, relative to.....	766	1641
Common Prayer Book Society of, charter amended.....	319	474
Driveway on Washington avenue, establishment of.....	248	817
Elections in, charter amended as to	806	1753
Garbage crematory, act relative to, amended.....	848	1808
Monies in hands of mayor, distribution of certain	1029	2074
Police justice of, relative to.....	772	1642
Public buildings, construction of certain, act amended.....	218	281
Second avenue, assessments for improving, vacation of certain.....	984	2011
Woodlawn avenue, assessments for paving, etc., of, sales thereunder,	776	1645
Albany County.		
Colonie, erection of town of.....	975	2001
County judge, salary of.....	649	1433
Green Island, electric light system, establishment of, etc.....	593	1280
Penitentiary, management of, act relative to, amended.....	761	1638
Surrogate, salary of.....	649	1433
Watervliet, division of town of.....	975	2001
West Troy, school district in, act relative to.....	881	1895
new police for, established.....	56	45
See, also, "ALBANY CITY" AND "COHOES."		
Albany and Greenbush Bridge Company.		
Charter amended.....	502	882
Allegany County.		
Amity, cemetery act amended.....	6	4
Belfast, town of, act for relief of.....	714	1523
Caneadea, judgments against, issue of bonds for.....	534	931
Cool brook, fishing in, regulated.....	....	2222
American Baptist Home Mission Society.		
Charter amended, vol. 1	528	810
American Baptist Missionary Union.		
Act relative to, repealed, vol. 1	622	417
American Chemical Company.		
Act for relief of, vol. 1	846	176
American Deposit and Loan Company.		
Created by change of name, vol. 1.....	557	227

	CHAP.	PAGE.
American Fine Art Society.		
Exemption of property of, from taxation.....	540	900
American Geographical Society of New York.		
Real and personal property of, relative to.....	650	1433
American Museum of Natural History.		
Appropriation for maintenance of.....	236	302
Natural history, free instruction in, appropriation for, vol. 1	932	785
Building occupied by, enlargement of.....	235	301
American Society for Prevention of Cruelty to Animals.		
Dogs and cats in New York city, to carry out act relative to	412	764
Amherst, Town of.		
Highway improvements in, relative to.....	406	753
Amity, Town of.		
Cemetery act amended.....	6	4
Amsterdam.		
City charter amended, boards, and city officers.....	234	293
board of education, schools.....	250	318
Andrews Methodist Episcopal Church.		
Incorporation of.....	455	810
Angola, Village of.		
Sidewalk fund, act authorizing raising of, repealed.....	715	1523
Armories.		
Fourteenth regiment, completion of.....	631	1235
See, also, "ARMORIES," Vol. 1.		
Attica, Village of.		
Village charter amended.....	731	1534
Auburn, City of.		
City charter amended, generally	536	923
Contingent fund, issue of bonds for reimbursement of	210	276
See, also, "CAYUGA Co."		
B.		
Babylon, Town of.		
South country road in, relative to.....	280	375
Special school meeting in, proceedings of, legalized.....	55	41
Bailey, William L.		
Claim of, to be placed upon pension-roll, determination of	537	953
Baptist Church in Mount Vernon.		
Name changed	431	775
Batavia, Village of.		
Charter amended.....	117	103
Charter amended.....	214	283
Bath, Village of.		
Charter revised.....	735	1653
Bedford Dispensary, Brooklyn.		
Charter of, amended.....	543	904
Beet Sugar Co-operative Community.		
Charter amended.....	457	811
Belfast, Town of.		
Act for relief of.....	714	1532
Belmont, Town of.		
Trout in certain waters of, protection and preservation of.....	....	2101

	CHAP.	PAGE.
Binghamton, City of		
Charter amended.....	858	1810
Deficiencies in current fund, issue of bonds for	81	70
Protection Hose Company, No. 8, reimbursement of	258	848
Water supply, increasing of, issue of bonds for.....	887	588
Binghamton, Lestershire and Union Railroad Company.		
Agreement between, and village of Union, legalized.....	945	1961
Birkett, James W.		
Payments to, by Kings county, legalized.....	860	501
Bonds of Cities, Villages and Towns.		
Albany, Beaver park bonds, issue of	781	1649
Amherst, highway improvements in, issue of bonds for.....	406	758
Auburn, armory at, issue of bonds for, vol. 1.....	5	5
Auburn, contingent fund, issue of bonds for	210	276
Binghamton, increased water supply, issue of bonds for....	887	595
Brooklyn, bridge over East river, issue of bonds for	789	1630
bridge bonds, issue of	956	1996
city hall improvement bonds, issue of	943	1958
Gravesend local improvement bonds, issue of	689	1416
plankroad bonds, issue of	564	1014
local improvement bonds, issue of	1001	2082
memorial monument bonds, issue of.....	291	879
issue of	542	963
park improvement bonds, issue of	1007	2056
school building bonds, issue of additional.....	290	878
streets in, improving of, issuing of bonds for	444	798
Buffalo, school bonds, issue of	390	600
Caneadea, judgments against, issue of bonds for..	554	981
Cohoes, cemetery bonds, issue of.....	800	1702
public school buildings, issue of bonds for	47	84
College Point, water system, issue of bonds for	588	1277
East Chester, indebtedness of school district, issue of bonds for.....	809	426
Elmira, bridge bonds, issue of	77	67
new city hall, issue of bonds for.....	41	81
pavement bonds, issue of	76	65
Flushing, water bonds, issue of	740	1527
Fredonia, water supply, issue of bonds for	583	990
Gloversville, indebtedness of, issue of bonds for.....	20	10
issue of certain bonds, legalized.....	215	286
Greenbush, awards and judgments against, issue of bonds for.....	407	761
Green Island, electric-light system, issue of bonds for.....	598	1280
Greenport, water bonds, issue of	116	106
Hempstead, electric-light and water system, issue of bonds for.....	471	888
Hudson, indebtedness of, issue of bonds for	786	1684
Ithaca, bridge in, issue of bonds for	660	1442
sewer bonds, issue of	162	101
Jamestown, school bonds in, issue of.....	506	861
Kings county, highways, improvement of certain, issue of bonds for..	640	1419
park bonds, issue of	474	806
Kingston, general fund, issue of bonds for	463	825
Lockport, fire department, issue of bonds for	226	289
Long Island City, water supply, issue of bonds for.....	759	1633
Newburgh, park bonds, issue of.....	68	60
New York city, additional park bonds, issue of	69	61
American Museum of Natural History, issue of bonds for	235	802
bridge bonds, issue of.....	956	1996
College of the City of New York, issue of bonds for.....	168	201
drawbridge over Harlem river, issue of bonds for.....	986	2015
grand boulevard and concourse in, issue of bonds for	180	118
Metropolitan Museum of Art buildings, issuing of bonds for	347	493
police department bonds, issue of	495	866
park bonds, issue of	298	889
pavement bonds, issue of	475	837
Riverside park, issue of bonds for	120	110
schoolhouse bonds, issue of	88	75
streets, etc., repaving of, issue of bonds for.	112	105

Bonds of Cities, Villages and Towns — (Continued).

	CHAP.	PAGE.
North Tonawanda, electric-light system, issue of bonds for.....	199	227
Monroe county, new courthouse bonds, legalized	16	9
Mount Vernon, schoolhouse bonds, legalized	12	8
Rochester, sewer bonds, issue of	438	787
Rome, liabilities, issue of bonds for	8	6
Rye, town of, highways, issue of bonds for	926	1945
South Buffalo, flood bonds, issue of	574	1269
Troy and West Troy Bridge Company, issue of bonds for	408	762
Watertown, city hall bonds, issue of	645	1422
Weedsport, indebtedness of, issue of bonds for	755	1681
White Plains, paving bonds, issue of	747	1530
Whitestone, sewer, issue of new bonds for	517	885

Boston, Albany and Schenectady Railroad Company.

Time for completion of, extended, vol. 1.....	427	271
---	-----	-----

Brooklyn, City of.

Aldermanic districts and aldermen, relative to	976	2008
Aldermanic districts, division of city into	197	224
Aldermen, election of	197	224
Atlantic dock police, transfer of, to police department	938	1954
Appropriations for hospitals, dispensaries, etc., relative to	655	1485
Armory for Fourteenth regiment in, completion of	631	1325
Assessments on property on Jefferson avenue, remission of interest on, ...	258	599
Bailey, William L., claim of, to be placed upon pension-roll	587	953
Bay parkway, improvement of	1000	2081
Bedford Dispensary of, charter of, amended	543	964
Bedford avenue, railways upon, consent for	642	1420
Bonds, issue of, in lieu of bonds of town of Flatbush	1001	2032
Bridge over East river between, and New York city, construction of ..	789	1037
Brooklyn avenue, consent for construction of railways upon	643	1421
Buffalo avenue, improvement of	444	798
Building department of, relative to	292	320
relative to	539	955
Bushwick avenue, consent for railways upon	686	1478
City hall, keeper and assistant keeper of, relative to	683	1471
repairing and improvement of	943	1958
Claims and obligations of certain towns annexed to, determination of..	541	961
Clinton street, consent for railways upon	399	599
Coal, burning of soft, in factories in	822	474
Commissioner's map, alterations of	955	1995
Common council, establishing of	197	224
Condemnation proceedings, possession of lands in, relative to	373	544
Contracts for asphalt pavements in, relative to	654	1454
Contracts, charter amended as to	329	477
Contract between city and Jas. F. Gillen, cancellation and compromise, ..	448	792
Department of parks, relative to	947	1963
Eighth ward, improvements in, act relative to, amended	520	920
Employees of commissioners of street improvements of New Utrecht, pay- ment of	943	1958
Eye and Ear Hospital, charter amended	481	854
Fort Hamilton avenue, improvement of	1000	2081
occupation of, by railroad companies	951	1991
Governments of county of Kings and city, consolidated	954	1992
Gravesend police force, consolidation of, with city police force	779	1647
Hancock street, consent for railways upon	345	492
Henry street, consent for railways upon	389	599
Jamaica and Brooklyn plankroad, acquisition and improvement of ...	564	1014
Jefferson avenue, consent for railways upon	357	499
Keeper of the hall of records in, office of, relative to	994	2025
Kent avenue, widening of	955	1995
James S. Kerswill Post, No. 149, G. A. R., levy of taxes for, payment of.	943	1959
Memorial Day, yearly provision for celebration of	538	954
Memorial monument bonds, issue of	542	963
Monument to Gen. Henry W. Slocum, erection of	291	379
memory of Gen. Gouverneur K. Warren, construction of	543	963
New Utrecht, annexation of, to, act relative to, amended	926	1953
New Utrecht Water Company, purchase or acquisition of, by	1023	2073

Brooklyn, City of — (Continued).

	CHAP.	PAGE.
New York and Brooklyn bridge, improvement of terminal facilities,	956	1995
North Second street, pier and sewer at, act relative to, amended.....	657	1489
Notices and advertisements by, relative to.....	859	500
Ocean parkway, improvement of, relative to.....	1000	2081
Pacific street, consent for construction of railways upon.....	614	1421
Park lands in, improvement of, and means therefor, act amended....	1007	2056
Police force, salaries of.....	996	2026
Public driveway and parkway, laying out, etc., of, act amended.....	931	1946
Public improvements in, relative to.....	297	401
Public school teachers' retirement fund, relative to.....	656	1488
Schermerhorn street, consent for railways upon.....	780	1648
School building bonds, issue of additional.....	290	878
Streets in, extension, widening, etc., of, act amended.....	414	793
improvement of certain.....	327	476
improvement of certain.....	957	1996
repairing of, relative to.....	100	78
repavement of.....	1008	2057
Stocks, bonds, etc., payment of, in gold coin.....	340	491
relative to.....	648	1428
Stuyvesant avenue in, consent for railways upon.....	484	777
Taxes, assessments and water rates in, relative to.....	1015	2062
Taxes in, collection of.....	888	1911
Thirtieth ward, public and local improvements in, completion of.....	939	1955
Thirty-first ward, common lands and common land fund of, relative to	638	1413
local improvements and bonds issued for, payment of.....	639	1415
sewers and water-works in, completion of.....	989	2019
Twenty-ninth, etc., wards, claims and obligations against, determina-		
tion and payment of.....	541	961
Twenty-ninth ward, streets and avenues in, opening of, completion of.	641	1419
Twenty-third regiment armory in, relative to.....	288	375
Truant Home in, transfer of, etc.....	687	1474
Wallabout market property in, improvement of, and appropriation for	101	73
Warrants, signing of, relative to.....	436	780
Washington's Birthday, yearly appropriation for celebration of.....	658	1441

See, also, "KINGS COUNTY."

Brooklyn Church Society of the Methodist Episcopal Church.

Charter amended.....	74	63
----------------------	----	----

Brooklyn Sunday School Union.

Act relative to, amended.....	263	351
-------------------------------	-----	-----

Broome County.

Fish in, further protection of.....		2118
-------------------------------------	--	------

See, also, "BINGHAMTON."

Brown, Henry H.

Act for relief of.....	797	1691
------------------------	-----	------

Brownville, Village of.

Charter amended.....	690	1475
----------------------	-----	------

Buffalo, City of.

Auction sales in, relative to.....	472	894
Bailey avenue, assessment-roll for paving of, division of.....	778	1643
Board of park commissioners, acts and proceedings of, legalized.....	270	354
Cazenovia creek and Buffalo river, outlet for water of.....	574	1265
Charity Foundation of Protestant Episcopal Churches in, relative to...	75	64
City charter amended.....	187	121
City charter amended.....	705	1504
City charter amended.....	805	1714
Grade crossing commissioners, official acts of, legalized.....	1039	2087
Grant street bridge, payment of claim of Chas. E. Williams for work	612	1810
Harbor Providence Association of, charter of.....	814	429
National Savings Bank of, name changed, vol. 1.....	15	10
Park lands, appropriation of, for high school purposes.....	198	225
Railroads in, crossings and occupation of streets by, act amended....	1039	2087
School lots and buildings, issue of bonds for.....	890	600

See, also, "ERIE COUNTY."

C.

	CHAP. PAGE	
Camillus, Town of.		
Public highway across State lands in, laying out of	124	112
Canandaigua Electric-Light Company.		
Relative to	156	125
Canastota, Village of.		
Police and fire departments in, establishment of	479	839
Caneadea, Town of.		
Judgments against, issue of bonds for	584	931
Cartwright, Richard C.		
Official acts of, as commissioner of deeds, legalized	883	1911
Cattaraugus County.		
Olean, city charter amended	695	1435
Salamanca Water-Works Company, may supply electric lights... ..	50	40
Cayuga County.		
County judge and surrogate in, compensation for	494	864
Crossing between, and Seneca county on Cayuga lake, relative to	869	1878
State armory at Auburn, issue of bonds for, vol. 1	5	5
Weedsport, village of, indebtedness of, issue of bonds for	755	1631
See, also, "AUBURN."		
Cayuga Lake.		
Crossing on, between Cayuga and Seneca counties, relative to	869	1878
Cazenovia Creek and Buffalo River.		
Outlet for waters of, relative to	574	1265
Cazenovia, Village of.		
Sewer commissioners and sewerage system, proceedings as to, legalized	49	89
Cemeteries.		
Amity, cemetery act of, amended	6	4
Corinth, old cemetery in, removal of remains from	257	341
Lockport, cemetery association in, charter amended	4	8
Millport Cemetery Association, old burying ground, acquisition of	549	964
Mount Carmel cemetery, Plattsburg, charter of	602	1296
Pulaski Cemetery Association, incorporation of, etc., legalized	753	1631
Waterville Cemetery Association, conveyance of crematorium to, legalized	53	41
Charlotteville, Village of.		
Highway labor in, relative to	741	1537
Charlotte, Village of.		
Sewerage in, proceedings as to, legalized	318	473
Chatham, Village of.		
Charter amended	333	479
Chautauqua Baptist Association.		
Charter of	312	427
Chautauqua County.		
County judge and surrogate in, compensation for	494	864
Dunkirk, board of education of, relative to	524	928
city charter amended	748	1533
railroad stock, holding or disposal of certain	431	771
town board, acts of, legalized	185	218
Fredonia, water supply, issue of bonds for	533	930
Forestville, water commissioners, acts of, legalized	7	5
special election in, legalized	33	28
Jamestown, city charter amended	496	867
Westfield, village charter amended	54	42
village charter amended	419	767
Chateaugay, Village of.		
Annual village tax, charter amended	468	830

	CHAP.	PAGE.
Chemung County.		
Southport, town meeting of, legalized.....	782	1525
See, also, "ELMIRA."		
Chenango County.		
Clerk for grand juries of, appointment of	24	17
Fish in waters of, further protection of	21	24
Game in, preservation and protection of	20	99
Norwich, village charter amended	874	545
Oxford, town of, school buildings, conveyance of certain, by.....	668	1446
Children's Aid Society of Rochester.		
Incorporation of	355	497
Churches. See, also, "RELIGIOUS SOCIETIES."		
Cities, except New York and Brooklyn.		
Albany, Beaver park, grading and improvement of, issue of bonds for	781	1649
Bender Hygienic Laboratory, lands for	788	1696
city charter amended.....	808	1742
city charter amended	863	1865
city charter amended.....	918	1934
city charter amended... ..	958	2009
driveway on Washington avenue, establishment of	248	317
garbage crematory for, relative to	818	1808
public buildings in, construction of certain	215	281
moneys in hands of mayor, distribution of certain	1029	2074
Second avenue, assessments for improving, vacation of certain....	984	2011
Woodlawn avenue, assessment for paving.	776	1645
Amsterdam, city charter amended	234	298
city charter amended.	250	818
Auburn, city charter amended	536	982
contingent fund, reimbursement of.....	210	276
Binghamton, city charter amended... ..	858	1810
current funds, issue of bonds for	81	70
hose company in, reimbursement of.....	258	348
water supply, increasing, and issue of bonds for	387	588
Buffalo, auction sales in, relative to	472	884
Bailey avenue, assessment-roll, division of.....	773	1643
board of park commissioners, acts of, legalized.....	270	854
Cazenovia creek and Buffalo river, outlet for waters of, relative to.	574	1265
city charter amended.....	137	121
city charter amended	705	1504
city charter amended... ..	805	1714
grade crossing commissioners in, official acts of, legalized.....	1039	2067
park lands, appropriation of, for high school purposes.....	198	325
railroad crossings in, relative to	1039	2067
school lots and buildings, issue of bonds for	390	600
Cohoes, arrearage of unpaid taxes in, relative to	798	1698
city charter amended.....	48	85
city charter amended	252	384
city charter amended... ..	801	1704
city charter amended	802	1706
old burial ground in, removal of remains, etc., from, act amended.	800	1702
public school buildings, issue of bonds for	47	84
Saratoga street, improvement of, money for.....	799	1700
Corning, city charter amended.....	760	1634
Dunkirk, city charter amended	748	1532
railroad stock, holding or disposal of certain	421	771
Elmira, bridges, issue of bonds for construction of	77	67
city charter amended	871	518
lands for certain embankments in, acquisition of.....	757	1632
new city hall, issue of bonds for	41	81
pavement bonds, issue of	76	65
school act amended	870	505
Gloversville, bonds, issue of certain, legalized	215	286
city charter amended.....	21	11
city charter amended.....	669	1446
city charter amended.....	711	1518

Cities, except New York and Brooklyn — (Continued.)

	CHAP.	PAGE.
Gloversville, city charter amended	712	1517
indebtedness of, issue of bonds for	20	10
lands for health purposes in, relative to	847	1807
Hudson, city court in, establishment of	751	1553
city charter revised	751	1553
indebtedness of, ascertainment of and issue of bonds for	786	1684
Ithaca, bridge across Six Mile creek in, issue of bonds for	660	1442
city charter amended	168	196
city charter amended	211	277
sewerage system for	162	187
Jamestown, city charter amended	496	867
union free school district of, relative to	506	883
Johnstown, charter of, amended	568	1115
Kingston, city charter amended	445	799
general fund, may borrow money to supply deficiency in	463	825
school district No. three of, relative to	804	1712
water supply for	803	1707
Little Falls, charter of	865	1017
Lockport, city charter amended	339	485
electric-light plant for, relative to	225	288
fire department, issue of bonds for	226	289
public market for, relative to	225	288
school act amended	488	854
Long Island City, city charter amended	910	1926
city officers and election of	997	2027
claims against, payment of certain	775	1643
general improvement commission of, proceedings of, confirmed	1012	2060
unpaid taxes, water rates, etc., in, relative to	782	1650
water supply, increase of, may borrow money for	759	1633
Middletown, city charter amended	834	1793
Mount Vernon, city charter amended	180	209
city charter amended	189	219
commissioners, compensation of certain	243	308
comptroller, office of, established, etc.	710	1511
schoolhouse bonds, legalized	12	8
Newburgh, city charter amended	8	1
city charter amended	554	973
Downing park, improvement of	68	60
Front street, continuation of	614	1313
school act amended	831	1760
sewer in, construction, etc., of certain	709	1509
Niagara Falls, Pierce avenue, acquisition of lands for extension of	835	1795
Olean, city charter amended	695	1485
Oswego, charter election, time for holding, changed	35	29
city charter revised	394	621
officers of, election and terms of	35	29
Poughkeepsie, engine house property, sale of certain	488	862
pavement of street intersections, payment of expense of	422	772
Rochester, city boundaries extended	617	1314
elections, fiscal year, reports, etc., in, relative to	604	1299
fire department pension fund, act establishing, amended	887	1793
midwifery in, practice of, regulated	842	1801
public parks and parkways, act relative to, amended	953	1997
in, relative to	703	1507
sewer in certain wards in, construction of	438	781
extension of	744	1528
water supply, sanitary protection of sources of, etc.	1018	2067
Rome, board of fire commissioners, act amended	524	927
liabilities, may borrow money for	8	6
Schenectady, city charter amended	31	26
city charter amended	85	72
city charter amended	832	1791
water supply, act amended	92	76
Syracuse, assessments for paving, certain, confirmed	817	1779
bridge over canal at Salina street, tax for	27	24
bridge at Clinton street, tax for	28	25
Geddes street, tax for	28	25

Cities, except New York and Brooklyn — (Continued).

	CHAP.	PAGE.
Syracuse, bridge at Salina street, tax for.....	27	24
city charter amended.....	229	291
city charter amended.....	836	488
city charter amended.....	822	1781
city charter amended.....	935	1952
city charter amended.....	950	1984
Harbor creek, taxes for culvert over.....	666	1445
moneys used for certain purposes, use of.....	64	56
stone culvert over Harbor brook in, taxes for.....	940	1957
ward boundaries, certain, changed and defined.....	1010	2059
water supply, issue of additional bonds for, etc.....	702	1498
Troy, city charter amended, generally.....	277	357
public improvement act amended.....	278	367
public improvement act amended.....	439	862
Utica, city charter amended.....	836	1796
justice of the peace of, act relative to, amended.....	833	1792
school act amended.....	998	2080
school act amended.....	1032	2075
town expenses in, act relative to, amended.....	830	1789
Watertown, board of public works, act establishing, amended.....	647	1427
city hall for.....	645	1422
city charter amended.....	646	1424
Yonkers, city charter revised.....	635	1827
water supply, act amended.....	195	228
Citizens' Loan Agency and Guarantee Company.		
Additional rights and powers conferred upon, vol. 1.....	861	182
Clarkson, Jennie, Baptist Orphanage.		
Charter of, confirmed.....	405	751
Clifton Springs Sanitarium Company.		
Bonds, issue of, and mortgage of trust property.....	465	820
Clinton County.		
Plattsburg, receiver of taxes for, relative to.....	206	285
Glyde, Village of.		
Village indebtedness, taxes for.....	186	219
Coal.		
Soft coal, burning of, in factories in Brooklyn, relative to.....	822	474
Coburn Free Library, Owego.		
Charter of.....	22	15
Cohoes, City of.		
City charter amended, wards and election in.....	48	85
generally.....	252	834
city chamberlain.....	802	1706
local improvement fund.....	801	1704
Old burial ground in, removal of remains, etc., from, act amended.....	800	1702
Public school buildings, issue of bonds for.....	47	84
Saratoga street, improvement of, may borrow money for.....	799	1700
Taxes, assessments, etc., settlement and collection of arrearages of.....	798	1698
Cohoes Gas-Light Company.		
Directors of, number of, fixed.....	1024	2078
College of the City of New York.		
New grounds for, and erection of buildings thereon.....	168	200
College of Pharmacy, New York City.		
Charter amended.....	108	81
College Point.		
Village of, water supply act amended.....	588	1277
Colonia, Town of.		
Erection of.....	975	2001

	CHAP.	PAGE.
Common Prayer Book Society of Albany.		
Charter amended.....	819	474
Columbia County.		
Chatham, village charter amended.....	838	479
Game and fish in, additional protection of.....	2130	
additional protection of, act repealed.....	2183	
Hudson, city charter revised.....	751	1553
indebtedness of, and issue of bonds for.....	786	1684
City Court of, establishment of....	751	1553
Commissioners of the Land Office.		
Staten Island, grants of land under water around, relative to	898	1918
Cooperstown, Village of.		
Village charter amended.....	295	398
Corinth, Village of.		
Old cemetery in, removal of remains from.....	257	341
acquisition of lands of	257	341
Corning.		
City charter amended	760	1634
Corporations.		
Actors' Fund of America, charter amended, vol. 1.....	707	470
Adirondack Cottage Sanitarium, exemption of property of, from taxes	653	1434
Agricultural Insurance Company of Watertown, charter amended,		
vol. 1	2	2
Albany and Greenbush Bridge Company, charter amended	503	883
American Baptist Home Mission Society, charter amended, vol. 1	528	810
American Baptist Missionary Union, act relative to, repealed, vol. 1 ...	623	417
American Chemical Company, relief of, vol. 1.....	844	176
American Casualty Insurance Company of Oneonta, created	491	863
American Deposit and Loan Company, created, vol. 1	557	827
American Geographical Society of New York, real and personal prop-		
erty of	650	1438
American Fine Art Society, exemption of property of, from taxes.....	540	960
Andrew Methodist Episcopal Church, charter of	455	810
Binghamton, Lestershire and Union R. R. Co., agreement of, legalized	945	1961
Brooklyn Church Society of the M. E. Church, charter amended.....	74	66
Brooklyn Sunday School Union, relative to.....	263	351
Baptist Church in Mt. Vernon, name changed	431	775
Beet Sugar Cooperative Community, charter amended.....	457	811
Brooklyn Eye and Ear Hospital, charter amended	481	854
Bedford Dispensary, Brooklyn, charter amended.....	543	964
Boston, Albany and Schenectady Railroad Co., completion of, vol. 1...	437	271
Centenary Methodist Church, New York city, relief of.....	914	1940
Church of St. Augustine, New York city, relief of	828	1786
Coburn Free Library, charter of	23	15
College of Pharmacy, New York city, charter amended.....	108	81
Canandaigua Electric-Light Company, relative to.....	156	125
Chautauqua Baptist Association, charter of	312	427
Citizens' Loan Agency and Guaranty Company, relative to, vol. 1.....	361	183
Common Prayer Book Society of Albany, charter amended	819	474
Clarkson, Jennie Baptist Orphanage, charter of, confirmed.....	405	751
Children's Aid Society, Rochester, charter of	355	497
Clifton Springs Sanitarium Company, relative to	465	828
Cohoes Gas-Light Company, directors, number of, fixed	1024	2073
Davenport Institution for Female Orphan Children, name changed ...	432	76
East River Gas-Light Company, Long Island City, relative to	1019	2070
Elevated Railroad Passenger Insurance Company, relative to, vol. 1 ...	922	783
Empire State Savings Bank of Buffalo, created, vol. 1	15	10
Fathers' Minor Conventuals cemetery, establishment of, by	738	1635
Fire Insurance Salvage Corps, Brooklyn, charter of.....	1016	2054
Foresters, Grand Court of State of New York of Ancient Order of		
America, vol. 1.....	106	58
Franklin Loan and Trust Company, New York city, relative to, vol. 1.	922	723
Genesee Camp Ground Association, charter amended	634	1826

Corporations — (Continued).

	CHAP.	PAGE.
German Masonic Temple Association, New York city, exemption of property of, from taxation.....	852	1809
Glen Cove Mutual Insurance Company, corporate existence extended..	478	838
House of the Good Shepherd, New York city, relative to.....	877	1893
Hebrew Benevolent Orphan Asylum Society of New York, relief of....	505	683
Harbor Providence Association of Buffalo, charter of	814	429
Hospital for Scarlet Fever and Diphtheria Patients, New York city, incorporation of.....	629	1323
Hudson Suspension Bridge and New England Railway Company, vol. 1	916	780
Investment Securities Company, incorporation of, vol. 1	880	216
Ithaca fire department, charter of, amended	461	818
Jewellers' League of New York city, reincorporation of, as fraternal beneficiary society.....	433	777
Kingston Avenue Presbyterian Church, Gloversville, relative to	51	40
Lockport Cemetery Association, charter amended.....	4	8
Lee's Fund to Aid Worthy Students, Dr. Mary V., charter of.....	424	724
Library companies, New York city, consolidation of.....	210	272
Metropolis Finance Company of New York, charter of	1033	2076
Model Town Company, rights and powers of, act declaratory of, repealed. charter of, amended.....	919	1948
Mount Carmel Cemetery, Plattsburg, charter of.....	920	1944
Mount Carmel Cemetery, Plattsburg, charter of.....	602	1296
Mohawk Valley Sick and Benefit Association, name changed	491	863
Millport Cemetery Association, acquisition of burying ground by....	549	964
Missionary Society of Calvinistic Methodist Episcopal Church in United States of America, vol. 1	125	66
National Savings Bank of Buffalo, name changed, vol. 1	15	10
New York Building and Improvement Company, charter amended....	915	1940
New York and Brooklyn Tunnel Company, construction of additional tunnel by	1014	2061
New York City, Exempt Firemen's Benevolent Fund of, corporate existence of	868	1877
New York Canadian Pacific Railroad Company, time for completion of, vol. 1	328	168
New York City Zoological Society, incorporation of.....	435	778
Newtown, fire department of, charter amended.....	450	809
New York Northern Railroad Company, completion of, vol. 1.....	428	271
New York State School for Blind, created by change of name, vol. 1...	553	869
New York Orthopaedic Dispensary, name changed	787	1685
Northern New York Con. of the M. E. Church, charter amended, vol. 1.	790	554
Oneonta Water-Works Company, charter amended	103	79
Order of the Eastern Star, charter of, vol. 1.....	620	414
Pedic Society of the State of New York, vol. 1.....	864	678
Phoenix Insurance Company, reduction of number of directors of, vol. 1.	401	259
Ramapo Water Company, powers of, relative to	985	2012
Reynolds Library, money, may borrow, etc	704	1503
River Bridge Company, charter amended.....	420	775
Reformed Dutch Church, Flatbush, relative to	489	862
Salamanca Water-Works Company, may supply electric lights ..	50	40
Silver Lake Assembly, created by change of name	634	1826
St. John's Guild, New York city, merger of certain corporations into..	404	750
St. Joseph's Church, Troy, incorporation of.....	562	1018
St. Joseph's Hospital, Syracuse, charter of	1037	2086
St. Vincent's Orphan Asylum, Syracuse, charter of..	703	1502
Society of War of 1812, charter of, amended, vol. 1	91	48
Syracuse Home Association, charter amended	65	57
Syracuse University, charter of, amended, vol. 1	501	292
Sixth and seventh judicial districts of State of New York, Volunteer Firemen's Association	216	237
Traders' Deposit Company of New York city, name changed, vol. 1....	557	327
Troy and West Troy Bridge Company, indebtedness of, issue of bonds,	408	702
Trustees of Scenic and Historic Places and Objects, incorporation of, vol. 1.....	166	89
Tubular Dispatch Company, electricity, etc., may use as a motive power, vol. 1.....	977	986
Union Veteran Protective Association, charter amended, vol. 1	1038	971
United States Validity Guarantee Company of New York, charter of ..	981	2007

Corporations — (Continued).		CHAP.	PAGE.
Veteran Soldiers and Sailors' Association, relative to, vol. 1.....	559	887	
Wilder, N. H., Hose Co. of Worcester, name changed.....	440	790	
Westchester Loan and Trust Company created by change of name, vol. 1.....	922	738	
Woodhaven fire department, charter of	674	1451	
Yonkers, Exempt Firemen's Benevolent Association of, relative to.	848	1808	
Young Men's Christain Association, State executive committee of, char- ter amended, vol. 1	53	28	
Counsel of Scientific Alliance, New York City.			
Incorporation of	918	1941	
County Clerks.			
Kings county, papers, examination and assortment of certain, by	739	1526	
New York city, election and term of office of.....	826	1785	
Onondaga county, office of, act relative to, amended.....	44	83	
Ontario county, office of, relative to	128	114	
County Judge.			
Albany county, salary of.....	649	1483	
Compensation of, in certain counties.....	494	864	
Monroe county, special county judge, relative to ..	68	55	
Courts.			
Hudson, city court of, established.....	751	1553	
Monroe county, interpreter of courts of, office of, created.....	624	1321	
New York city, Court of General Sessions in, relative to	1004	2034	
Inferior courts of, act relative to, amended	908	1924	
Supreme Court, New York city, justices of, in, compensation for.....	588	1276	
See, also "SUPREME COURT."	553	965	
Crum, George L.			
Claim of, to be placed upon pension-roll, determination of.....	901	1919	
D.			
Dansville, Village of.			
Charter amended.....	800	402	
Davenport Institution for Female Orphan Children.			
Name changed	482	776	
Delaware County.			
Stamford, village charter amended.....	862	1864	
Walton, real estate of, conveyance of, to library.....	269	844	
Depew, Village of.			
Acts of president and trustees of, legalized	616	1818	
Verbal description of boundaries of, amended	815	1756	
Dix, Town of.			
Poor farm act amended.....	147	124	
Dr. Mary V. Lee Fund to Aid Worthy Students.			
Incorporation of... ..	424	774	
Dunkirk, City of.			
City charter amended.....	748	1523	
Railroad stock, holding or disposal of certain.....	421	771	
Dunkirk, Town of.			
Board of education of, relative to	526	827	
Railroad stock, holding or disposal of certain	421	771	
Town board, acts of, as to election districts, legalized	185	218	
Dutchess County.			
Poughkeepsie, engine house property, sale of certain.....	488	862	
pavement of street intersections, payment of expense of	422	772	

E.

East Chester, Town of.	CHAP.	PAGE.
Indebtedness of school district in, issue of bonds for	309	426
East Chester, Village of.		
Annexation of, to New York city	934	1949
East River Gas-Light Company of Long Island City.		
Illuminating gas furnished by, price of, regulated.....	1019	2070
Edgewater, Village of.		
Village charter amended	184	217
Village charter amended	246	811
Village charter amended.. ..	397	745
Village charter amended.....	402	748
Edwards, Town of.		
Town hall, construction of, issue of bonds for	86	72
Elbridge, Village of.		
Charter election legalized	694	1485
Elevated Railroad Passenger Insurance Company.		
Organization of, time for completion of, extended, vol. 1	922	733
Ellenville.		
Wawarsing, annexation of portion of, to	272	855
Elmira.		
Bridges, construction of, issue of bonds for.....	77	67
City charter amended, generally	371	518
Lands for certain embankments in, acquisition of.....	757	1632
New city hall, issue of bonds for	41	31
Pavement bonds, issue of.....	76	65
School act amended.....	370	505
Erie County.		
Amherst, highway improvements in, relative to	406	752
Angola, sidewalk fund, act authorizing raising of, repealed	715	1523
County auditor, act providing for.....	173	204
Depew, acts of president and trustees of, legalized.....	616	1312
verbal description of boundaries of, amended.....	815	1756
Institutions and officers of, purchasing of supplies for.....	173	204
Lancaster, public buildings of, lease of.....	37	80
Supervisor of, office of, relative to.....	174	208
Towns in, officers and public improvements in, relative to.....	816	1758
See, also, "BUFFALO."		

F.

Fathers Minor Conventuals.		
Cemetery, establishment and maintenance of, by	738	1525
Fire Companies and Departments.		
Binghamton, hose company in, reimbursement of.....	258	343
Canastota, fire department in, establishment of.....	479	839
Lockport fire department, issue of bonds for	226	280
Long Island City, Exempt Firemen's Association of, exemption of, from taxes	490	868
Newtown, fire department of, charter amended.....	450	809
Woodhaven fire department, charter of.....	674	1451
Fire Insurance Salvage Corps of Brooklyn, Long Island.		
Incorporation of.....	1016	2064
Firemen.		
New York city, Exempt Firemen's Benevolent Fund of Twenty-third Ward, extension of corporate existence of.....	897	1917
fire department pension fund, relative to	260	344
firemen, grade and pay of	269	353

		CHAP.	PAGE.
Firemen — (Continued).			
Rochester, firemen's pension fund, act establishing, amended	887	1798	
Sixth and seventh judicial districts of State of New York, Volunteer Firemen's Association	216	287	
Southampton, contracts by, with fire companies	384	488	
Yonkers Exempt Firemen's Benevolent Association, exemption of property of, from taxation	843	1808	
Fishways.			
St. Lawrence and Franklin counties, through private dams in.....	496	890	
Flatbush, late Town of.			
Buffalo avenue, improvement of.....	444	798	
Claims and obligations against, determination of.....	541	961	
Reformed Protestant Dutch Church of, conveyances by, legalized....	487	861	
Streets and avenues in, completion of, opening of, etc.....	641	1419	
Flatlands, late Town of.			
Annexation of, to Brooklyn, act amended	813	428	
Police commissioner and police force for, act amended	675	1457	
Public hacks, vehicles, shows, etc., licensing and regulations of.....	675	1457	
Flushing, Town of.			
Hospital and dispensary of, raising and appropriating money for.....	136	120	
Flushing, Village of.			
Bonds for village purposes, issue of.....	740	1527	
Forestville, Village of.			
Board of water commissioners, acts of, legalized	7	5	
Special election in, as to water-works, legalized	83	28	
Foresters, Ancient Order of, of America.			
Grand Court of the State of New York, charter of, vol. 1	106	58	
Franklin County.			
Beaver in, protection and preservation of.....	2101		
Belmont, trout in certain waters of, protection and preservation of....	2101		
Chateaugay, village of, charter amended	488	830	
Fishways through private dams in, construction of	498	890	
Malone, school act amended	265	353	
Franklin Loan and Trust Company, New York City.			
Change of name of, to Westchester Loan and Trust Company, vol. 1..	922	783	
Change of place of business of, vol. 1.....	922	733	
Fredonia, Village of.			
Water supply, issue of bonds for.....	533	930	
Fulton County.			
Gloversville, city charter amended	711	1513	
city charter amended	712	1517	
city charter amended	669	1446	
lands for health purposes, in, relative to.....	847	1807	
Johnstown, city charter of.....	568	1115	

G.

Game Laws.			
Allegany county, Wellsville, Cool brook in, fishing in, regulated	2323		
Broome county, fish in, further protection of.....	2118		
Chenango county, fish in water of, further protection of	2124		
game in, preservation and protection of	2099		
Columbia county, game and fish in, additional protection of.....	2130		
game and fish in, additional protection of, act as to, repealed.....	2133		
Franklin county, beaver in, protection and preservation of.....	2101		
trout in, protection and preservation of	2101		
Greene county, partridges and pheasants in, protection of.....	2097		
partridges and pheasants in, protection of.....	2115		
Herkimer county, fish and game in, protection of.....	2110		
	3112		

		CHAP.	PAGE.
Game Laws—(Continued).			
Herkimer county, game in, additional protection of certain.....	2098		
Lewis county, game and fish in, preservation of certain.....	2105		
Madison county, fish and game in, acts for protection of, repealed....	2104		
Montgomery county, game in, preservation of.....	2102		
Oneida county, game and fish in, protection of.....	2095		
game in, protection of.....	2116		
fish in Salmon river and Deer creek in, protection of.....	2129		
game in, protection of.....	2126		
skunks and minks in, protection of.....	2127		
Putnam county, fish and game in, additional protection of.....	2118		
Rensselaer county, fish and game in, further protection of.....	2125		
Schoharie county, partridge in, further protection of.....	2121		
Richmondville, trout in, protection of.....	2120		
Smithtown, shad in Nissequogue river in, taking of, regulated.....	2133		
Suffolk county, escallops in certain waters of, preservation of.....	2134		
Warren county, game and fish in, further protection of.....	2136		
	2137		
	2138		
	2139		
Washington county, fish and game protectors in, appointment of			
additional.....	2107		
fish in certain lakes of, preservation of.....	2108		
fish in waters of certain towns of, protection and preservation of..	2106		
game in, additional protection of.....	2109		
See, also, "GAME LAWS," Vol. 1.			
Gates, Town of.			
Lateral sewers in, construction of.....	744	1528	
Sewer in, construction of certain, act amended.....	438	781	
Genesee Camp Grounds Association.			
Charter of, amended.....	634	1826	
Genesee County.			
Batavia, village charter amended.....	214	282	
village charter amended.....	117	108	
German Masonic Temple Association of New York City.			
Exemption of property of, from taxation.....	852	1809	
Gillen, James F.			
Contract between, and Brooklyn, cancellation and compromise of.....	443	792	
Glen Cove Mutual Insurance Company.			
Corporate existence of, extended.....	478	838	
Gloversville, City of.			
Bonds of, certain, legalized.....	215	286	
City charter amended.....	669	1446	
City charter amended.....	711	1518	
City charter amended.....	712	1517	
City charter amended.....	21	11	
Indebtedness of, payment of, increased.....	20	10	
Kingsboro avenue Presbyterian Church, conveyance by, etc., legalized.	51	40	
Lands for health purposes, regulation and control of use of.....	847	1807	
Grand Court of State of New York, of Ancient Order of Foresters of America.			
Charter of.....	106	58	
Gravesend, late Town of.			
Common lands and common land fund in, relative to.....	638	1413	
Claims and obligations of, determination of.....	541	961	
Local improvements and bonds issued for, payment of.....	639	1415	
Police force of, consolidation of, with police force of Brooklyn.....	779	1647	
Sewers and water-works in, transfer and completion of.....	989	2019	
Greene County.			
Partridge and pheasants in, protection of.....	2097		
protection of.....	2115		

Greenbush, Village of.	CHAP.	PAGE.
Awards and judgments against, issue of bonds for certain.....	407	761
Green Island, Village of.		
Electric-light system, establishment of, etc	593	1280
Greenport, Village of.		
Property of water company, purchase of, etc.....	116	106
Greenwich, Town of.		
Fish in waters of, protection and preservation of.....	....	2106
Gulick, Nellie C. A.		
Official acts of, as notary public, confirmed.....	244	309

H.

Halfmoon, Town of.		
Justice in, better administration of, act amended.....	458	814
Hamilton, Village of.		
Action of trustees and annual election legalized.....	127	113
Harbor Providence Association of Buffalo.		
Incorporation of.....	814	429
Harrison, Town of.		
New school district in, erection of.....	500	881
Havana, Village of.		
Charter amended	1044	2091
Name changed to Montour Falls	126	118
See, also, "MONTOUR FALLS."		
Hebrew Benevolent Orphan Asylum Society, New York.		
Relief of, and sale of lands to.....	505	888
Hebron, Town of.		
Fish in waters of, protection and preservation of.....	....	2106
Hempstead, Village of.		
Village charter amended, electric-light and water systems	471	831
Henschel, Albert E.		
Claim of, against New York city, audit and allowance of	866	1876
Herkimer County.		
Fish and game in, protection of .....	....	2110
		2112
Game in, additional protection of certain.....	....	2098
Ilion, charter revised	815	480
Little Falls, charter of	565	1017
Newport, board of water commissioners of, act establishing, amended.	838	475
Herkimer, Town of.		
Poor act amended	414	765
Herkimer, Village of.		
Municipal commission, establishment of, etc.....	110	101
Highways.		
Kings county, care and improvement of certain, in.....	640	1418
Historic Societies.		
Trustees of Scenic and Historic Places and Objects, incorporation of, vol. 1	166	89
Hoar, William A.		
Official acts of, as notary public, legalized.....	749	1548
Hornellsville, City of.		
Railroad stock, application of moneys received from certain	238	290

	CHAP.	PAGE.
Hounsfield, Town of.		
School act amended	128	111
Hospital for Scarlet Fever and Diphtheria Patients.		
Incorporation of.....	629	1828
Hudson, City of.		
City charter revised	751	1558
City Court in, establishment of	751	1558
Indebtedness of, ascertainment of, and issue of bonds for	786	1684
Hudson, Margaret.		
Claim of, to be placed upon pension-roll, determination of.....	978	2005
Hudson Suspension Bridge and New England Railway Company.		
Charter amended, vol. 1.....	916	780
Huntington, Town of.		
Escallop fisheries in, preservation of		2134

I.

Ilion, Village of.		
Charter revised.....	815	490
Inebriate Women.		
Care of	877	1898
Insurance Companies.		
Agricultural, Watertown, charter amended, vol. 1.....	2	8
American Casualty Insurance Company of Oneonta, created	491	893
Elevated Railroad Passenger Insurance Company, relative to, vol. 1....	922	788
Fire Insurance Salvage Corps of Brooklyn, charter of.....	1016	2064
Glen Cove Mutual Insurance Company, corporate existence extended..	478	888
Phoenix Insurance Company, reduction of number of directors of, vol. 1	401	259
Islip, Town of.		
South country road in, relative to.....	260	875
Investment Security Company.		
Incorporation of, vol. 1	880	216
Ithaca.		
Bridge across Six Mile creek in, issue of bonds for	660	1442
City charter amended, taxes and assessments.....	163	196
acting recorder	211	277
Fire department, charter of, amended.....	461	818
Sewerage system in, construction and maintenance of	162	187

J.

Jamaica, Town of.		
Receiver of taxes, act establishing, amended.....	62	54
Richmond Hill, Lefferts avenue in, relative to	878	1895
Woodhaven, fire department of, incorporation of.....	674	1451
Jamestown, City of.		
City charter amended	496	867
Union free school district in, additional school buildings and sites for..	506	888
Jefferson County.		
Brownville, village charter amended.....	690	1475
County judge and surrogate in, compensation for.....	494	864
Hounsfield, moneys received from sale of certain railroad stock	228	290
Orleans, town of, highway labor in, performance of, by Thousand		
Island Park Association	242	807
Watertown, board of public works, act establishing, amended.....	647	1427
city charter amended.....	646	1424
city hall for	645	1422
Jewellers League of New York City.		
Reincorporation of, as a fraternal beneficiary society.....	483	777

Johnstown, City of.	CHAP.	PAGE.
Charter of.....	568	1115
Jurors.		
Chenango county, grand juries of, clerk for	24	17
New York city, jurors in, selection of	484	856
Justices of the Peace.		
Onondaga, town of, additional justices of the peace for.....	238	306

K.

Kings County.		
Armory for Fourteenth regiment in, completion of.....	631	1835
Birkett, James W., payments made to, by, legalized.....	360	501
Conveyances, mortgages, etc., indexing of, act amended.....	71	62
County clerk, papers, examination and assortment of certain, by.....	739	1526
clerk for certain purposes in office of, appointment of.....	962	2000
Flatbush, Buffalo avenue, improvement of.....	444	793
claims and obligations against, determination of.....	541	961
streets and answers in, completion of.....	641	1419
Flatlands, annexation of, to Brooklyn, act amended... ..	313	428
police commissioner and police force, act amended	675	1457
public hacks, etc., licensing of, erection of.....	675	1457
Governments of county and city of Brooklyn consolidated	954	1992
Highways in, care, improvement, etc., of certain	640	1418
Hoar, William A., official acts of, legalized.....	749	1548
Newtown creek, bridge over, construction of	623	1321
Public driveway and parkways in, laying out, etc., of certain	931	1946
Public parks in or adjacent thereto, act amended.	474	885
Register of, clerk for certain purposes in office of, appointment of.....	962	2000
Supervisors of, to appropriate money for Twenty-third regiment armory.....	283	375
See, also, "BROOKLYN" and "GRAVESEND" and "NEW UTRECHT."		

Kingston.		
City charter amended	445	799
General fund, may borrow money to supply deficiency in.....	463	825
School district number three of, relative to	804	1712
Water supply for.....	808	1707

L.

Lancaster, Town of.		
Public buildings of, lease of.....	37	30
Lands.		
Richmond county, lands in, devised by will of Courtlandt Palmer, rela- tive to	256	339
Lewis County.		
Game and fish in, preservation of .....	....	2105
Lansingburgh, Village of.		
Charter revised.....	160	126
Library Companies.		
New York city, consolidation of	209	272
Coburn free library, incorporation of.....	23	13
Little Falls.		
Charter of.....	565	1017
Livingston County.		
Dansville, village charter amended.....	300	403
Lockport.		
Cemetery association in, act amended	4	8
City charter amended	339	485
Electric-light plant, submission of question of city owning	225	283
Fire department, issue of bonds for	226	289
Public market, submission question of bonding for.....	225	288
School act amended.....	453	654

	CHAP.	PAGE.
Long Island City.		
City officers and elections of, act relative to, amended.....	997	2027
Charter amended, clerk of board of education	910	1928
Claims against, payment of certain	775	1643
Exempt Firemen's Association of, exemption of, from taxes.....	490	863
East River Gas-Light Company of, price of gas furnished by, regulated.	1019	2070
General improvement commission of, proceedings of, confirmed	1013	2160
Taxes, water rates and rents in, unpaid, relative to.....	733	1670
Water supply, increase of, etc., will borrow money for.....	759	1633
Madison County.		
Canastota, police and fire departments for.....	479	839
Cazenovia, sewerage system in, proceedings as to, legalized	49	39
Fish and game in, protection of, acts as to, repealed.....		2104
Malone, Town of.		
School act amended.....	265	359
Masonic Associations.		
Order of the Eastern Star, charter of, vol. 1.....	620	414
Methodist Episcopal Church.		
Missionary Society of the Calvinistic Methodist Church of United States of America, vol. 1	125	66
Trustees of Northern New York Conference of, charter amended vol. 1.	790	554
See, also, "RELIGIOUS SOCIETIES."		
Metropolitan Museum of Art.		
Building occupied by, extension of.....	847	493
Metropolis Finance Company of New York.		
Incorporation of	1033	2076
Middletown.		
City charter amended.....	834	1793
Midwifery.		
Rochester, practice of, in, regulated.....	842	1801
Niagara county, practice of, in, regulated	192	221
Millport Cemetery Association.		
Old burying ground, acquisition of control of, by	549	964
Missionary Societies.		
American Baptist Home Mission Society, charter amended, vol. 1.....	528	310
American Baptist Missionary Union, act relative to, repealed, vol 1 ..	633	417
Policemen, may appoint, vol. 1.....	493	288b
See, also, "RELIGIOUS SOCIETIES."		
Missionary Society of the Calvinistic Methodist Church in United States of America.		
Charter of, vol. 1	125	66
Model Town Company.		
Charter amended	920	1944
Rights and powers of, act declaratory of, repealed	919	1943
Moffat B. Burnham.		
Claim of, against New York city, examination and audit of	521	924
Mohawk, Village of.		
Charter amended, village clerk and constables.....	60	53
Mohawk Valley Sick and Benefit Association.		
Name changed	491	863
Monroe County.		
New courthouse bonds, proceedings in issue of, legalized.....	16	9
Charlotte, sewerage in, proceedings as to, legalized	318	473
Interpreter of courts of, office of, created.....	624	1321
Special county judge, relative to	63	55
See, also, "ROCHESTER."		

	CHAP.	PAGE.
Montour Falls.		
Village charter of, amended	681	1468
Created by change of name.....	126	118
See, also, "HAYANA."		
Montgomery County.		
Amsterdam, city charter amended.....	284	298
Game in, preservation of.....	...	2109
Mt. Carmel Cemetery.		
Plattsburg, incorporation of.....	602	1296
Mount Vernon.		
Baptist church in, name changed	431	775
City charter amended, police department.....	180	209
schools	189	219
Commissioners, compensation of certain.....	243	308
Comptroller, office of, established, etc	710	1511
Schoolhouse bonds, issue of certain, legalized.....	12	8
N.		
National Savings Bank of Buffalo.		
Name changed, vol. 1.....	15	10
New Brighton, Village of.		
Charter amended.....	446	808
Charter amended.....	464	826
Outlet sewer for	204	231
Newburgh, City of.		
City charter amended, elections and terms.....	8	1
generally.....	554	978
Downing park, improvement of... ..	68	60
Front street, laying out and continuation of	614	1813
School act amended.....	831	1790
Sewer in, construction of certain	709	1509
Newburgh, Town of.		
Commissioners of excise, payment of salaries and expenses of	764	1640
Newport, Village of.		
Board of water commissioners, act establishing, amended	828	475
New Rochelle, Town of.		
Receiver of taxes of, act relative to, amended.....	904	1921
Newtown Creek.		
Bridge over, between counties of Kings and Queens, construction of... ..	638	1821
Newtown, Town of.		
Fire department of, charter amended.....	450	809
New Utrecht, late Town of.		
Annexation of, to Brooklyn, act amended	936	1953
Claims and obligations of, against, determination of.....	541	961
Employees of commissioners of street improvements, payment of.....	941	1957
Local improvements in, completion of.....	939	1955
New Utrecht Water Company.		
Acquisition or purchase of, by city of Brooklyn.....	1028	2072
New York Bay.		
Deposit of carrion, offal, etc., in, act relative to, repealed	865	504
New York and Brooklyn Bridge.		
Improvement of terminal facilities of, completion of.....	956	1995
New York and Brooklyn Tunnel Company.		
Construction of tunnel by, between cities of New York and Brooklyn..	1014	2061
New York Building and Improvement Company.		
Charter amended.....	915	1940

New York Canadian Pacific Railroad.		
Time for completion of, extended, vol. 1.....	828	168
New York City.		
Advertising for, relative to.....	1048	2089
American Fine Art Society, exemption of property of, from taxes....	540	9 80
American Geographical Society of, relative to.....	650	1438
American Museum of Natural History, appropriation for maintenance of building occupied by, enlargement of.....	286 285	802 801
Animals in, lost and strayed, better protection of, etc.....	412	763
Antitoxines, making, use of, etc.....	165	197
Assessments, cancellation of certain.....	806	1928
for local street improvements in, relative to.....	618	1811
for opening Twelfth avenue, refunding of certain.....	442	792
Blind, appropriations for, act relative to, amended.....	872	1880
Bridge over East river between, and Brooklyn, construction of.....	789	1687
Brown, Henry H., examination and audit of claim of.....	797	1691
Building for certain purposes in, erection of, act amended.....	750	1549
hospital purposes in, act for construction of, amended.....	899	746
police purposes in, act relative to, amended.....	495	865
Canvass of votes, statement of result of.....	993	2024
Centenary Methodist Church, in Twenty-third ward, relief of.....	914	1940
Charitable institutions in, water supply for, remitting assessments for..	459	817
Churches in Twenty-third ward, relief of certain.....	867	1877
Church of St. Augustine in, act for relief of.....	838	1786
City magistrates, relative to.....	601	1288
City Record, relative to.....	1048	2089
Croton water rents, sale of lands for unpaid taxes, etc., for.....	905	1922
College of the City of New York, new grounds and buildings.....	168	200
College of Pharmacy of, charter amended.....	108	81
Commissioners of accounts, increase of appropriations for.....	1008	2038
Comptroller, election and term of office of.....	826	1785
Coroner, election and term of office of.....	826	1785
Coroners, relative to.....	846	1804
Counsel of Scientific Alliance in, incorporation of.....	918	1941
County clerk, election and term of office of.....	826	1785
Courts of criminal jurisdiction in, inferior, relative to.....	601	1288
Special Sessions in, relative to.....	601	1288
Court of General Sessions, judges and officers of, relative to.....	1004	2034
law library for.....	865	1875
relative to.....	601	1288
Crum, George L., claim of, to be placed upon pension-roll, relative to..	901	1919
Department of charities and correction, appropriations for blind, dis- tribution of, by.....	872	1880
Department of correction of, created.....	912	1927
Department of docks, relative to.....	1045	2092
Department of public charities and correction in, abolishment of....	912	1927
Department of public charities of, created.....	912	1927
Department of public parks, certain expenditures made by, legalized..	990	2007
Department of street cleaning, relative to.....	893	1918
District-attorney and assistants of, salaries, etc., of, relative to.....	696	1498
District-attorney, election and term of office of.....	826	1785
Dogs in, licensing, etc., of.....	412	768
Drawbridge over Harlem river in, construction of certain.....	986	2015
East Chester, annexation of portion of town of, to.....	984	1948
Elections, canvass of votes at.....	991	2021
canvass of votes, proclamation of result of.....	992	2023
statements of canvass, filing of.....	909	1925
Election officers, payment of.....	296	400
Fire department, claim of George L. Crum to be placed upon pension- roll of.....	901	1919
Fire department pension fund, relative to.....	260	814
Firemen, grade and pay of, relative to.....	269	853
Fort Washington park in Twelfth ward, act establishing, amended....	462	824
Frame building district, relative to.....	878	1881
German Masonic Temple Association of, exemption of property of....	852	1809
Grand jurors in, selection of.....	484	856
Hebrew Benevolent Orphan Asylum Society, conveyance of lands to..	505	888
Hellgate pilots, relative to.....	691	1484

New York City—(Continued).

	CHAP.	PAGE.
Henschel, Albert E., audit and allowance of claim of	866	1876
Hospital for scarlet fever and diphtheria patents, incorporation of....	629	1823
House of the Good Shepherd in, act relative to	877	1898
Hudson, Margaret, claim of, to be placed upon pension-roll.....	978	2005
Inferior courts of criminal jurisdiction in, act relative to, amended....	908	1924
Jewellers' League of, reincorporation of, as fraternal beneficiary society.	488	'77
Lands in, filling in of, with certain materials prohibited	58	53
Lands for public purposes in, acquisition of, act amended	681	1473
Lands for public use between Tenth avenue and Harlem in, acquisition of certain	876	1889
Library companies in, consolidation of, act amended	209	272
Liens against city, discharge of	605	1802
Map or plan of, alterations of, confirmed.....	913	1920
Metropolitan Museum of Art, extension of building occupied by	347	493
Metropolis Finance Company of, charter of.....	1033	2076
Moffat, R. Burnham, claim of, examination and audit of.....	521	924
New York and Brooklyn bridge, improvement of terminal facilities ...	956	1995
North Eastern Dispensary in, exemption of property of, from taxation.	825	1785
New York Mothers Home of the Sisters of Misericorde, assessments on property of, cancellation of	906	1923
exemption of property of, from taxation.....	845	1804
New York Polyclinic Medical School and Hospital, appropriation for..	665	1444
New York Post-Graduate Medical School and Hospital, appropriation for.....	587	585
O'Brien, John C., examination and audit of claim of.....	777	1646
One Hundred and Fifty-fifth street, improvement of, act amended.....	979	2005
One Hundred and Forty-third street, change of original grade of, award of damages for.....	441	791
O'Rourke, John H., examination and audit of claim of.....	907	1923
Orthopædic Dispensary in, name changed.....	787	1685
Parks, additional public, acquisition, etc., of, act amended.....	69	61
construction of schoolhouse playgrounds and baths on	293	389
transfer of care of certain, to department of public works.....	358	500
Pelham, annexation of portion of town of, to.....	934	1918
Persons convicted of intoxication, disorderly conduct, etc., in, commitment and discharge of.....	287	303
Piers and bulkhead, sheds upon, erection of.....	1045	2023
Playgrounds in, connecting with schoolhouse, provisions for	338	484
Police commissioners and police department, relative to	569	1256
Police justices, relative to	601	1283
Police magistrates, charter for violating city ordinances by.....	238	296
Police, use of teams and vehicles by	118	109
Premises known as 2019 Fifth avenue, lease of	285	376
Proceedings for removal of John R. Fellows, expenses in, payment of.	185	120
Public administrator, appointment of	827	1786
bureau of, transfer of.....	827	1786
relative to.....	610	1305
Public driveway in, act of 1893 establishing, amended	894	1914
Public parks in, laying out of	911	1926
protection of	900	1919
Public roadways on certain lands acquired by, construction, etc., of...	609	1301
Public school teachers' retirement fund, relative to.....	874	1868
Rapid transit railways in, act amended	519	857
Reformed Church of Mott Haven, release of property of, from assessments	871	1879
Register, election and term of office of.....	826	1785
Registry of voters in, relative to	1084	2078
Removals from public office in, mayor may make.....	11	7
Riverside park and drive, completion of, act amended	120	110
St. John's Guild, merger of certain corporations into	404	750
St. Nicholas park, act establishing, amended	522	925
Schools, additional accommodations for, act amended	88	74
Schoolhouse, open air playgrounds in, connecting with	338	484
Sewer and highway along Bronx river in, commission to inquire into construction of.....	1021	2070
Sheriff of, election and term of office of	826	1785
Sidewalks, removal of snow and ice from, expense of.....	201	280

New York City—(Continued).

	CHAP.	PAGE.
Society of the Lying-in Hospital, appropriations for.....	885	587
Streets and avenues in, repavement of.....	475	887
opening of.....	449	804
discontinuing and closing of.....	1006	2087
use of certain, for railroads prohibited.....	870	1878
Supreme Court in, justices of, compensation of.....	588	1876
relative to.....	558	965
act amended.....	959	1999
Tenement and lodging-houses in, improvement of.....	567	1099
Trustees of Exempt Firemen's Benevolent Fund of Twenty-third ward, extension of corporate existence of.....	897	1917
Trustees of Exempt Firemen's Benevolent Fund of, extension of corporate existence of.....	868	1877
Twelfth ward, bridge over Harlem river in, construction of.....	986	2015
Twenty-third and Twenty-fourth wards, commissioners of street improvements in, relative to.....	875	1885
grand boulevard and concourse in, establishment of.....	180	115
sewerage, drainage, paving, etc., in, act amended.....	576	1274
streets and avenues in, repaving of.....	112	105
public improvements in.....	875	1885
University of the City of New York, release of certain real estate of, from taxes.....	275	857
Vandervoort, Sophia G., act for relief of.....	167	198
Wakefield, village of, annexation of, to.....	984	1948
Walker, John, representatives of, issue of duplicate certificates of stock to.....	245	810
Waterbury, Nelson J., claim of, examination and audit of.....	944	1960
Water supply, for hospitals, etc., remitting assessments for.....	459	817
sanitary protection of sources of, act amended.....	575	1278
Westchester, town of, annexation of, to.....	984	1948
Wharves, piers, etc., construction of.....	829	1787
Williamsbridge, village of, annexation of, to.....	984	1948
Workhouse, commitments to.....	237	808
Zoological garden in, establishment of.....	485	778

See, also, "TABLES OF LAWS AMENDED, ETC."

New York Northern Railroad Company.

Time for completion of, extended.....	428	271
---------------------------------------	-----	-----

New York Orthopædic Dispensary.

Name changed to New York Orthopædic Dispensary and Hospital....	786	1685
---	-----	------

New York Zoological Society.

Incorporation of.....	485	778
-----------------------	-----	-----

Niagara County.

Lockport, city charter amended.....	839	485
school act amended.....	488	854
Midwifery, practice of, regulated.....	192	221
North Tonawanda, assessments in and collection of.....	391	601
electric-light system, establishment of.....	199	226

Niagara Falls, City of.

Pierce avenue, acquisition of lands for, extension of.....	885	1795
--	-----	------

North Tonawanda, Village of.

Electric-light system, establishment of.....	199	226
Taxes in, assessments and collection of.....	391	601

Northern New York Conference of the Methodist Episcopal Church.

Trustees of, charter amended, vol. 1.....	790	554
---	-----	-----

Norwich, Village of.

Village charter amended.....	874	545
------------------------------	-----	-----

Notaries Public.

Gulick, Nellie C. A., official acts of, legalized....	244	309
Hoar, William A., official acts of, legalized.....	749	1548

O.

	CHAP.	PAGE.
O'Brien, John C.		
Act for relief of, amended.....	777	1646
Olean.		
City charter amended.....	695	1485
Oneida County.		
County judge and surrogate in, compensation for.....	494	864
Game and fish in, protection of.....		2095
Game in, protection of.....		2116
Town officers, election of, legalized.....	802	414
Waterville Cemetery Association, conveyance of crematorium to.....	58	41
Oneonta Water-Works Company.		
Charter amended.....	108	79
Onondaga County.		
Camillus, public highway across State lands in, laying out of.....	124	112
County clerk's office, act relative to, amended.....	44	83
Elbridge, charter election of, legalized.....	694	1435
Fathers Minor Conventuals, cemetery, establishment of, by.....	798	1525
See, also, "SYRACUSE."		
Onondaga, Town of.		
Additional justices of the peace for.....	238	806
Ontario County.		
County clerk, office of, relative to.....	136	114
Ontario, Town of.		
Board of education of union free school district in, acts of, legalized...	227	269
School tax collector in, acts of, legalized.....	227	269
Orange County.		
County judge and surrogate in, compensation for.....	494	864
Middletown, city charter amended.....	834	1793
Newburgh, city charter amended.....	8	1
city charter amended.....	554	973
Downing park, improvement of.....	68	60
commissioners of excise, salaries and expenses of, payment of....	764	1640
Front street, laying out and continuation of.....	614	1313
school act amended.....	831	1790
sewer in, construction of certain.....	709	1509
Port Jervis, village charter amended.....	486	860
Order of the Eastern Star.		
Incorporation of, vol. 1.....	620	414
Orleans County.		
Ridgeway and Shelby, towns of, union free school district in.....	364	503
Highway labor in, performance of, by Thousand Islands Park Association.....	242	807
O'Rourke, John H.		
Act for relief of.....	907	1923
Oswego, City of.		
Charter revised.....	894	631
Charter amended—charter election.....	85	29
Officers, election and terms of.....	85	29
Oswego County.		
Game in, protection of.....		2126
County judge and surrogate in, compensation for.....	494	864
Fish in Salmon river and Deer creek in, protection of.....		2129
Supervisors, acts of, in, incorporation of certain, legalized.....	753	1631
Skunks and minks in, protection of.....		2127
Dr Mary V. Lee Fund to Aid Worthy Students, charter of.....	424	774
Otsego County.		
Cooperstown, village charter amended.....	295	306

	CHAP.	PAGE.
Owego, Village of.		
Free library in, establishment, etc., of	22	15
Village charter amended, generally	207	236
Oxford Academy.		
Conveyance of property to board of education	668	1446
Oxford, Town of.		
School buildings, sale of certain, by	668	1446
P.		
Palmer, Cortlandt.		
Lands in Richmond county devised by, relative to	256	339
Parks.		
Albany, Beaver park, grade and improvement of, issue of bonds for ..	781	1649
Kings county, public parks in, act amended	474	885
New York city, additional parks for, act amended	69	61
Fort Washington park, establishing of	462	824
public parks, protection of.	900	1919
St. Nicholas park, act establishing, amended	522	925
transfer of care of certain	358	500
Public roadways on certain lands acquired for	609	1804
Rochester public parks and parkways in, relative to	708	1507
public parks and parkways in, act relative to. amended	958	1997
Pasteur Institute, New York City.		
Appropriation for, vol. 1	770	548
Treatment of persons bitten by rabid animals at, vol. 1	770	548
Peekskill.		
Village charter amended	392	617
Village charter amended	677	1461
Pelham, Town of.		
Annexation of, to New York city	984	1948
Penn Yan, Village of.		
Village charter amended	261	346
Water supply, act amended	212	278
Perry, Village of.		
Village charter amended, village boundaries	279	374
Phoenix Insurance Company.		
Directors, reduction of number of, vol. 1	401	259
Pier and Bulkhead Lines.		
Staten Island, establishment of, around	898	1917
Plattsburg, Village of.		
Mount Carmel cemetery, incorporation of	602	1296
Receiver of taxes for, relative to	206	285
Plattsburg, Town of.		
Receiver of taxes and assessments, relative to	206	285
Pomfret, Town of.		
Union free school district in, relative to	526	927
Port Jervis, Village of.		
Village charter amended	486	860
Port Richmond, Village of.		
Village charter amended	469	831
taxes for fire companies	205	284
Outlet sewer for	204	231
Poughkeepsie, City of.		
Engine house property, sale of certain	488	562
Pavement of street intersections, payment of expenses of	422	772

	CHAP.	PAGE.
Potsdam, Town of.		
School district in, conveyance of certain real estate of	423	773
Presbyterian Churches.		
Kingsboro avenue, Gloversville, conveyance by, etc., legalized.....	51	40
Prime, Lansing J.		
Acts of, as commissioner of deeds confirmed.....	631	1330
Protestant Episcopal Churches.		
Buffalo, Charity Foundation of, in, permanent trust of.....	75	64
See, also "RELIGIOUS SOCIETIES."		
Putnam County.		
Fish and game in, additional protection of	211	813
Tramps and vagrants in, relative to	377	585

Q.

Queens County.		
Arrears of unpaid taxes and assessments, settlement, etc., of	306	415
College Point, water supply, act amended.....	568	1277
Flushing, bonds for village purposes, issue of, by	740	15.7
hospital and dispensary in, appropriation of money for.....	136	120
Hempstead, village charter amended.....	471	881
Jamaica, receiver of taxes, act establishing, amended.....	63	54
Newtown creek, bridge over, construction of	623	1321
Newtown, fire department of, charter amended.....	450	809
Richmond Hill, Lefferts avenue in, relative to	878	1895
Whitestone, village charter amended.....	386	744
sewer bonds, issue of new bonds for	517	835
Woodhaven, fire department of, charter of.....	674	1451

R.

Railroads.		
Binghamton Lestershire and Union Railroad Company, agreement of, legalized	945	1961
Boston, Albany and Schenectady Railroad Company, completion of, vol. 1.....	427	371
New York city, rapid transit railways in, act amended	519	837
New York Canadian Pacific Railroad Company, time for completion of, extended, vol. 1.....	326	168
New York Northern Railroad Company, completion of, vol. 2.....	423	371
See, also, "CORPORATIONS."		
Ramapo Water Company.		
Powers of, limited and defined.....	935	2013
Randolph.		
Western New York Society for the Protection of Homeless and Dependent Children at, relative to	301	412
Raritan Bay.		
Deposit of carrion, offal, etc., in, act relative to, repealed.....	365	504
Religious Corporations.		
Church of St. Augustine, New York city, relief of.....	823	1736
Andrew Methodist Episcopal Church, charter of.....	455	810
Baptist Church in Mt. Vernon, name changed	431	775
Brooklyn Church Society of the Methodist Episcopal Church.....	74	66
Brooklyn Sunday School Union, relative to	263	351
Charity Foundation of Protestant Episcopal Churches of Buffalo.....	75	64
Chautauqua Baptist Association, charter of.....	812	437
Churches in New York city, certain, in Twenty-third ward, relief of ..	367	1877
Kingsboro Avenue Presbyterian Church, Gloversville, conveyance by, Missionary Society of Calvinistic Methodist Episcopal Church of United States of America, vol. 1	51	40
New York city, Centenary Methodist Church in, relief of	125	66
reformed Church of Mott Haven, release of property of, from assessments.....	914	1940
	371	1879

Religious Societies — (Continued).

	CHAP.	PAGE.
Reformed Protestant Dutch Church of Flatbush, conveyances by, legalized.....	487	861
St. Joseph's Church, Troy, incorporation of	562	1013
Trustees of Northern New York Conference of Methodist Episcopal Church, charter of, amended, vol. 1.....	790	554

Benasa-lae County.

Fish and game in, additional protection of	2125	
Greenbush, awards and judgments against, issue of bonds for.....	407	761
Lansingburgh, village of, charter revised.....	160	126

Reynolds Library.

Money, may borrow, etc.....	704	1508
-----------------------------	-----	------

Richland.

Pulaski cemetery in, incorporation, etc., of, legalized.....	758	1631
--	-----	------

Richmond County.

Edgewater, village charter amended	184	217
village charter amended	246	811
village charter amended	897	745
village charter amended	402	748
Lands in, devised by Cortlandt Palmer, relative to	256	889
New Brighton, outlet sewer for	204	281
village charter amended	446	808
village charter amended	464	826
Port Richmond, outlet sewer for	204	281
village charter amended	205	284
village charter amended	469	881
School act amended	752	1680
State tax levy, balance due the State on, release from.....	960	2000

Richmond Hill, Village of.

Lefferts avenue in, consent for railways upon	878	1895
---	-----	------

Richmondville, Town of.

Trout in, further protection of	2120	
---------------------------------------	------	--

Ridgeway, Town of.

Union free school district in, created	864	503
--	-----	-----

River Bridge Company.

Charter amended.....	429	775
----------------------	-----	-----

Rivers.

North and East rivers, New York bay, deposit of carrion, offal, etc., in, act relative to, repealed.....	865	504
--	-----	-----

Rochester.

Accounts, relative to auditing of	604	1299
Cartwright, Richard C., official acts of, as commissioner of deeds, legalized	882	1911
City charter amended, extension of boundaries	617	1814
Children's Aid Society of, charter amended.....	855	497
Election in, relative to	604	1299
Fiscal year of, relative to	604	1299
Midwifery in, practice of, regulated	842	1801
Pension fund for paid fire department, act establishing, amended.....	887	1798
Public parks and parkways, act relative to, amended	958	1997
in, act establishing, amended	703	1507
Reports of officers in departments in, relative to	604	1299
Sewer in Fifteenth and Twentieth wards, construction of, act amended.	488	781
Sewer in Tenth, Fifteenth and Twentieth wards of, extension of, relative to.....	744	1528
Water supply, sanitary protection of sources of, etc.....	1018	2067

Rockland Lake.

Encroachment upon lands under waters of, prevention of.....	400	747
---	-----	-----

	CHAP.	PAGE.
Rome.		
Board of fire commissioners, act establishing, amended.....	524	927
Liabilities, may borrow money for	8	6
Rosendale, Town of.		
Expenses of, reduction of	348	494
Police justices for	348	494
Rushville, Village of.		
Annual meeting and election of officers of, legalized.....	264	351
Rye, Town of.		
Highway repairs, may borrow money for.....	926	1944
New school district in, erection of.....	500	881
S.		
St. Joseph's Church, Troy.		
Incorporation of	563	1013
St. Joseph's Hospital, Syracuse.		
Incorporation of	1037	2086
St. Lawrence County.		
County judge and surrogate in, compensation for	494	864
Edwards, town hall for	86	73
Fishways through private dams in, construction of	498	890
Potsdam, school district in, conveyance of certain real estate of	423	773
St. Vincent's Orphan Asylum, Syracuse.		
Incorporation of.....	703	1503
Salamanca Water-Works Company.		
Electric lights, may supply village with	50	40
Salem, Village of.		
Village charter amended.....	762	1639
Salem, Town of.		
Fish in waters of, protection and preservation of.....	...	2106
Saratoga County.		
Corinth, old cemetery in, relative to.....	257	841
Halfmoon, justice in, better administration of, act amended ..	453	814
Saratoga Springs.		
Village charter amended, election and city officers.....	247	812
Schenectady.		
City charter amended.....	832	1791
street improvement bonds.....	81	26
school taxes	85	73
Water supply, act amended	92	76
Schoharie County.		
Charlotteville, highway labor in, relative to	741	1537
Partridge in, further protection of	...	2121
Richmondville, trout in, further protection of	...	2120
Stamford, village charter amended.....	862	1864
Schuyler County.		
Havana, village of, name changed	126	113
village charter amended	1044	2091
Montour Falls, village charter amended	651	1463
Poor farm act amended.....	147	124
Schools.		
Babylon, special school meeting in, legalized	55	41
Brooklyn, issue of additional bonds for	290	878
teachers' retirement fund, relative to	656	1438
Buffalo, school lots and buildings, issue of bonds for.....	390	600
Dunkirk, board of education of, relative to.....	526	927

Schools — (Continued).

	CHAP.	PAGE.
East Chester, indebtedness of school district in, issue of bonds for	309	426
Elmira, school act amended	370	505
Hornellsville, school act amended	123	111
Jamestown, union free school district in, additional buildings and sites, ...	506	883
Kingston, school district number three of, relative to	804	1712
Lockport, school act amended	488	854
Malone, school act amended	265	852
Newburgh, school act amended	881	1790
New York city, additional accommodations for, act amended	88	74
Ontario, union free school district in, acts of officers legalized	227	289
Oxford, school buildings, conveyance of certain, by	668	1446
Potsdam, school district in, conveyance of portion of real estate of	423	773
Richmond county, school act amended	752	1630
Ridgeway and Shelby, towns of, union free school district in	864	503
Rye and Harrison, towns of, erection of new school districts in	500	881
Utica, school act amended	998	2080
school act amended	1032	2075
West Troy school district, act relative, to amended	881	1895

Seneca County.

Crossing between Cayuga county on Cayuga lake	869	1878
---	-----	------

Sewerage.

Brooklyn, sewer at North Second street, construction of	657	1489
Cazenovia, sewerage system in, proceedings as to, legalized	49	89
Charlotte, proceedings as to sewerage in, legalized	818	473
Ithaca, sewerage system for	162	187
Newburgh, sewer in, construction of certain	709	1509
New York city, Twenty-third and Twenty-fourth wards, sewerage and drainage in	576	1274
New Brighton, outlet sewer for	204	231
Port Richmond, outlet sewer for	204	281
Rochester, sewer in certain wards, construction of	438	781
relative to	744	1528
Westchester, sewerage system for	294	890

Shelby, Town of.

Union free school district in, created	864	503
--	-----	-----

Sheriff.

New York city, election and term of office of	826	1785
---	-----	------

Silver Lake Assembly.

Corporation created by change of name	634	1326
---	-----	------

Sixth and Seventh Judicial Districts of State of New York Volunteer Firemen's Association.

Incorporation of	216	287
------------------------	-----	-----

Society of the War of 1812.

Charter amended, vol. 1	91	48
-------------------------------	----	----

Smithtown, Town of.

Escallops fisheries in, preservation of		2131
Shad in Nissequogue river in, taking of, regulated		2133

Southampton, Village of.

Fire companies, contracts with, relative to	834	483
---	-----	-----

South Mount Vernon, Village of.

certificates of indebtedness for unpaid taxes, etc., issue of	66	58
---	----	----

Southport, Town of.

Town meeting held in, legalized	732	1525
---------------------------------------	-----	------

Stamford, Village of.

Village charter amended	862	1864
-------------------------------	-----	------

Staten Island.

Pier and bulkhead lines around, established	896	1917
---	-----	------

	CHAP.	PAGE.
Steuben County.		
Bath, village charter revised.....	785	1653
Corning, city charter amended.....	760	1684
Suffolk County.		
Babylon, special school meeting in, legalized.....	55	41
Escallops in waters of certain towns of, preservation of.....		2184
Greenport, property of water company, purchase of.....	116	106
Niassequogue river, shad in, taking of, regulated.....		2123
Southampton. fire companies, contracts with, relative to.....	334	483
South country road in towns of Islip and Babylon, relative to.....	280	375
Supervisors.		
Erie county, office of, relative to.....	174	208
Monroe county, proceedings of, legalized.....	16	9
Supreme Court.		
First judicial district and appellate division thereof, act relative to, amended.....	959	1999
First judicial district and appellate division thereof, relative to.....	553	965
Lease of premises known as 2019 Fifth avenue, New York city, powers of, as to.....	285	376
Surrogates.		
Albany county, salary of.....	619	1453
Compensation of, in certain counties.....	494	364
Syracuse.		
Assessments for paving certain streets and avenues in, confirmed.....	817	1779
Bridge at Clinton street, tax for.....	28	25
at Geddes street, tax for.....	28	25
at Salina street, tax for.....	27	24
City charter amended.....	823	1781
City charter amended.....	950	1963
City charter amended.....	336	483
City charter amended.....	229	291
City charter amended.....	935	1952
Harbor creek, taxes for culvert over.....	666	1445
Moneys raised for certain purposes, use of.....	64	56
St. Joseph's Hospital in, charter of.....	1037	2086
St. Vincent's Orphan Asylum of, incorporation of.....	708	1503
Stone culvert over Harbor brook, taxes for construction of.....	940	1957
Ward boundaries, certain, changed and defined.....	1010	2059
Water supply, issue of additional bonds for, etc.....	702	1496
Syracuse Home Association.		
Charter amended.....	65	57
Syracuse University.		
Charter amended, vol. 1.....	501	293
T.		
Taxable Transfers.		
Westchester county, collection of taxes under act relative to.....	861	1864
Thousand Islands Park Association.		
Highway labor, performance of, by.....	243	307
Tioga County.		
County judge and surrogate in, compensation for.....	404	864
Owego, village charter amended.....	207	286
Waverly, ordinary expenditures, etc., assessment of, taxes for.....	848	491
Tompkins County.		
Ithaca, bridge across Six Mile creek in, issue of bonds for.....	680	1442
fire department of, charter amended.....	461	818
city charter amended.....	211	277
See, also, "ITHACA."		
Towns.		
Amherst, highway improvements in, relative to.....	406	752
Amity, cemetery act amended.....	6	4

Towns — (Continued).

	CHAP.	PAGE.
Babylon, South country road in, relative to	280	875
special school meeting in, legalized	55	41
Belfast, act for relief of	714	1573
Camillus, public highway across State lands in, laying out of	124	113
Caneadea, judgments against, issue of bonds for	554	931
Colonie, erection of	975	2001
Dix, poor farm act amended	147	124
Dunkirk, railroad stock, holding or disposal of certain	421	771
town board, acts of, legalized	185	218
East Chester, annexation of, to New York city	984	1948
Edwards, town hall for	86	72
Erie county, towns in, public improvements in, etc.	817	1758
Flatbush, streets and avenues in, opening of, completion of	641	1419
Flatlands, annexation of, to Brooklyn, act amended ...	813	428
Flushing, hospital and dispensary in, appropriation of money for	136	120
Gates, sewer in, construction of certain	438	781
Gravesend, common lands and common land fund of, relative to	638	141
Halfmoon, justice in, better administration of, act amended	458	81
Herkimer, poor act amended	414	78
Hounsfield, railroad stock, application of moneys received from certain	228	290
Islip, South country road in, relative to	280	875
Jamaica, receiver of taxes, act relative to, amended	63	54
Woodhaven, fire department of, incorporation of	674	1461
Lancaster, public buildings of, lease of	37	80
Malone, school act amended	265	353
Newburgh, commissioners of excise of, salaries and expenses of	764	1640
New Rochelle, receiver of taxes of, act relative to, amended	904	1921
New Utrecht, annexation of, to Brooklyn, act amended	936	1953
local improvements in, completion of	939	1953
Onondaga, additional justices of the peace for	233	306
Orleans, highway labor in, performance of, by Thousand Islands Park Association	242	307
Oxford, school buildings, conveyance of certain, by	668	1446
Pelham, annexation of, to New York city	934	1948
Ridgeway, union free school district in, created	864	503
Rosendale, police justices for	848	494
expenses of, reduction of	848	494
Rye, town of, highway repairs, may borrow money for	926	1944
Shelby, union free school district in, created	864	503
Southport, town meeting of, legalized	732	1525
Ulster county, towns of, compensation of assessors in	95	77
Verona, town officers, election of, by districts, act repealed	303	414
election of, legalized	302	414
Walton, real estate of, conveyance of, to library	259	844
Watervliet, division of	975	2001
Wawarsing, annexation of portion of, to Ellenville	272	355
Westchester, receiver of taxes, act as to, amended	45	33
sewerage system for	294	390
West Troy, school district in, relative to	881	1895
Whitehall, police justice and police officers for	25	18

See, also, under heading of VARIOUS TOWNS.

Traders' Deposit Company, New York City.

Corporate name changed, vol. 1	557	327
--------------------------------------	-----	-----

Troy and West Troy Bridge Company.

Indebtedness of, issue of bonds for	408	762
--	-----	-----

Troy.

City charter amended	277	357
Public improvement act amended	278	367
act amended	489	362

Trustees of Scenic and Historic Places and Objects.

Incorporation of, vol. 1	166	89
--------------------------------	-----	----

Tubular Dispatch Company.

Electricity, etc., right to use, as motive power, vol. 1	977	936
--	-----	-----

U.

Ulster County.		
Assessors in towns of, compensation of	95	77
Kingston, city charter amended	445	799
general fund, may borrow money to supply deficiency in	463	825
school district number three of, relative to	804	1712
water supply for	808	1707
Rosendale, town of, expenses of police justices, relative to	848	494
Wawarsing, annexation of portion of, to Ellenville	272	855
Union Veteran Protective Association.		
Charter amended, vol. 1	1038	971
Union, Village of.		
Agreement between Binghamton, Lestershire and Union Railroad Company legalized	945	1961
United States Validity Guaranty Company of New York.		
Incorporation of	981	2007
University of the City of New York.		
Real estate of, certain, released from taxes	275	857
Utica.		
City charter amended, annual taxes levied	836	1796
Justice of the peace of, act relative to, amended	833	1793
School act amended	998	2080
act amended	1032	2075
Town expenses in, act relative to, amended	830	1789

V.

Vandervoort, Sophia G.		
Act for relief of	167	196
Verona, Town of.		
Town officers, election of, by districts, act relative to, repealed	808	414
of, election of, legalized	803	414
Veteran Soldiers and Sailors' Association.		
Act relative to vol. 1	559	857
Villages.		
Angola, sidewalk fund, act authorizing raising of, repealed	715	1523
Attica, village charter amended	731	1534
Batavia, village charter amended	117	108
village charter amended	214	283
Bath, village charter revised	785	1652
Brownville, village charter amended	090	1475
Canastota, police and fire departments for	479	839
Cazenovia, sewerage system in, proceedings as to, legalized	49	89
Charlotteville, highway labor in, relative to	741	1527
Charlotte, sewerage in, proceedings as to, legalized	318	473
Chateaugay, village of, charter amended	468	830
Chatham, charter amended	333	479
Clyde, village indebtedness, taxes for	186	219
College Point, water supply act amended	588	1277
Cooperstown, village charter amended	295	898
Corinth, old cemetery in, relative to	237	841
Dansville, village charter amended	300	402
Depew, acts of president and trustees of, legalized	616	1813
verbal description of boundaries of, amended	815	1756
East Chester, annexation of, to New York city	934	1948
Edgewater, village charter amended	184	217
village charter amended	397	745
village charter amended	402	748
village charter amended	246	311
Elbridge, charter election of, legalized	694	1435
Flushing, bonds for village purposes, issue of	740	1537
Forestville, special election in, legalized	83	28

Villages — — (Continued).

	CHAP.	PAGE.
Forestville water commissioners, acts of, legalized	7	5
Fredonia, water supply, issue of bonds for	533	930
Greenbush, awards and judgments against, issue of bonds for	407	761
Green Island, electric-light system, establishment of, etc.	593	1280
Hamilton, action of trustees, annual election legalized	127	113
Havana, name of, changed	126	113
village charter amended	1044	2091
Hempstead, village charter amended	471	831
Herkimer, municipal commission, establishment of, etc.	110	101
Ilion, charter revised	315	430
Lansingburgh, village of, charter revised	160	126
Mohawk, charter amended	60	53
Montour Falls, village charter amended	681	1463
New Brighton, village charter amended	446	803
village charter amended	464	826
Newport, board of water commissioners, act establishing, amended ..	323	475
North Tonawanda, taxes and assessments in, collection of	391	601
electric-light system, establishment of	199	226
Norwich, village charter amended	374	545
Owego, village charter amended	207	236
Peekskill, village charter amended	392	617
village charter amended	677	1461
Penn Yan, village charter amended	261	346
water supply act amended	212	278
Perry, village charter amended	279	374
Port Richmond, village charter amended	205	234
village charter amended	469	831
Richmond Hill, Lefferts avenue in, relative to	678	1895
Rushville, annual meeting and election of officers legalized	264	351
Salem, village charter amended	762	1639
Saratoga Springs, village charter amended	247	312
Stamford, village charter amended	362	1864
Southampton, contracts with fire companies, relative to	384	493
South Mount Vernon, certificates of indebtedness, issue of certain ..	66	58
Wakefield, annexation of, to New York city	934	1948
Waverly, ordinary expenditures, etc., assessment of taxes for	343	491
Weedsport, indebtedness of, issue of bonds for	755	1631
Westfield, village charter amended	54	42
village charter amended	419	767
West Troy, new police for, established	56	45
Whitestone, sewer bonds, issue of new bonds for	517	885
village charter amended	396	744
White Plains, streets in, paving of	747	1529
village of, charter amended	109	83
Williams Bridge, annexation of, to New York city	934	1948
sewer commissioners, employment of assistant engineers by	720	1524

See, also, under heading of VARIOUS VILLAGES.

Volunteer Life Saving Corps of Inland Waters of State.

Relief of, and appropriation for, vol. 1	303	184
--	-----	-----

W.

Walker, John, Representatives of.

Certificate of Central park fund stock, issue of duplicate to	245	310
---	-----	-----

Walton, Town of.

Ogden memorial library, conveyance of land to	259	344
---	-----	-----

Warren County.

Game and fish in, further protection of	2136	
further protection of	2137	
further protection of	2138	
further protection of	2139	

Wakefield, Village of.

Annexation of, to New York city	934	1938
---------------------------------------	-----	------

	CHAP.	PAGE.
Washington County.		
Fish and game protectors in, appointment of additional.....	2107	
Fish and game in, protection and preservation of.. ..	2106	
protection and preservation of.....	2106	
protection and preservation of.....	2109	
Salem, village charter amended	763	1639
Whitehall, police justice and police officers for.....	25	18
Water and Water-Works Companies.		
College Point, water supply act amended.....	598	1277
Forestville, water-works, special election as to, legalized	83	28
water commissioners, acts of, legalized	7	5
Water.		
Fredonia, water supply, issue of bonds for.....	583	930
Kingston, water supply for	803	1707
New York city, water supply for hospitals, etc., in	459	817
water supply, sanitary protection of sources of	575	1273
New Utrecht Water Company, acquisition or purchase of, by city of Brooklyn.....	1023	2072
Rochester, water supply, sanitary protection of sources of	1018	2067
Penn Yan, water supply act amended	212	278
Ramapo Water Company, powers of, limited and defined.....	985	2012
Salamanca Water Works Company, may supply electric lights	50	40
Schenectady, water supply act amended.....	92	76
Syracuse, water supply, issue of additional bonds for	702	1498
Yonkers, water supply act amended.....	195	228
Waterbury, Nelson J.		
Claim of, against the city of New York, examination and audit of.....	944	1960
Watertown, City of.		
Agricultural Insurance Company, charter amended, vol. 2.....	3	8
Board of public works, act establishing, amended	647	1427
City charter amended	646	1424
City hall, erection of.....	645	1423
Waterville Cemetery Association.		
Conveyance of crematorium to, etc., legalized	53	41
Watervliet, Town of.		
Division of	975	2001
West Troy, school district in, act relative to, amended.....	881	1895
Waverly, Village of.		
Ordinary expenditures and indebtedness of, assessment of taxes for ...	843	491
Wawarsing, Town of.		
Annexation of portion of, to village of Ellenville.....	272	355
Wayne County.		
Ontario, school district in, acts of officers legalized.....	227	289
Weedsport, Village of.		
Indebtedness of, issue of bonds for.....	755	1631
Wellsville, Town of.		
Cool brook in, fishing in, regulated.....		2323
Westchester County.		
East Chester, indebtedness of school districts in, issue of bonds for ...	309	426
Election laws, prosecution of offenses against, payment of expenses of.	379	585
Jail, support of prisoners in.....	420	768
Mount Vernon, city charter amended	180	209
city charter amended.....	189	219
commissioners, compensation of certain.....	248	808
Comptroller, office of, established	710	1511

		CHAP.	PAGE
Westchester County — (Continued).			
New Rochelle, receiver of taxes of, act relative to, amended.	904	1921	
Peeckskill, village charter amended.....	877	1461	
village charter amended	892	617	
Rye and Harrison, new school district in, erection of.....	500	881	
Rye, town of, highway repairs, may borrow money for	926	1944	
Sewer and highway along Bronx river in, commission to inquire into construction of	1021	2070	
Sheriff of, duties and compensation of.....	420	768	
South Mount Vernon, certificates of indebtedness, issue of certain.....	66	58	
Taxes in towns of, time for collection of, extended	659	1441	
Taxable transfer taxes in, collection of	861	1864	
Town assessors in, salaries of	689	1474	
Towns in, annexation of certain, to New York city	934	1948	
Westchester, sewerage system for.....	294	890	
White Plains, streets in, paving of	747	1529	
village charter amended	109	88	
Williamsbridge, annexation of, to Brooklyn	934	1938	
sewer commissioners, employment of assistant engineers by.....	720	152	
Westchester Loan and Trust Company.			
Corporation created by change of name, vol. 1.....	923	783	
Westchester, Village of.			
Annexation of, to New York city....	934	1938	
Westchester, Town of.			
Receiver of taxes, act establishing office of, amended	45	38	
Sewerage system, construction of.....	294	890	
Western New York Society for the Protection of Homeless and Dependent Children.			
Permanent trust fund of, relative to	801	412	
Westfield, Village of.			
Charter amended.....	419	767	
Charter amended.....	54	42	
West Troy, Village of.			
New police for, established.	56	45	
School districts, act relative to, amended	831,	1895	
Whitehall, Town of.			
Police justice and police officers for... ..	25	18	
White Plains, Village of.			
Charter of, amended generally.....	109	83	
Streets in, paving of	747	1529	
Whitestone, Village of.			
Village charter amended.....	896	744	
Sewer bonds, issue of new bonds for	517	885	
Wilder, N. H., Hose Company of Worcester.			
Name changed	440	790	
Williamsbridge, Village of.			
Annexation of, to New York city	934	1938	
Sewer commissioners, employment of assistant engineers by	720	1524	
Williams, Charles E.			
Claim of, against city of Buffalo, audit of	612	1310	
Worcester.			
N. H. Wilder Hose Company of, name changed.....	440	790	
Wyoming County.			
Attica, village charter amended.....	731	152	
Perry, village charter amended	279	37	

Y.

Yates County.

	CHAP.	PAGE.
Gulick, Nellie C. A., official acts of, legalized.....	244	809
Penn Yan, water supply act amended.....	212	278
village charter amended	261	846
Rushville, annual meeting and election of officers legalized	264	351

Yonkers.

City charter revised	635	1827
Exempt Firemen's Benevolent Association, exemption of property of, from taxation.	848	1808
Prime, Lansing J., acts of, as commissioner of deeds, confirmed	621	1820
Water supply act amended.....	195	228

Young Men's Christian Association.

State executive committee of, charter amended vol. 1	52	23
--	----	----



